



Age assessment: the use and abuse of expert evidence

R(AM) v Solihull MBC [2012] UKUT 00118 (IAC)

The claimant claimed he was born in 1994 and that he was a child, aged 16, when assessed by Solihull in 2000. Solihull concluded that he was an adult. The Tribunal concluded that the claimant was an adult with a most likely date of birth of 1 January 1990 which meant that he was 20 when Solihull assessed him.

The case is particularly significant for the Tribunal's views on the three experts who gave evidence for the claimant. For the judgment [click here](#).

Simon Shreeve

Mr Shreeve gave evidence as an independent social worker for the claimant. In his written report he concluded that it was 'very likely' the claimant was 'below 16½ years of age on arrival in the UK' in January 2010. Mr Shreeve has produced a number of similar assessments in other age assessment cases and in one case a Deputy High Court Judge, Mr Neil Garnham QC, described Mr Shreeve's written report as 'by far the most impressive analysis of the issues that arise in this case' and as 'balanced and well reasoned' (*R(N) v Croydon* [2011] EWHC 862 (Admin), §23).

But in that case Mr Shreeve had not been cross examined and it was the answers that Mr Shreeve gave 'particularly in cross-examination that causes us to differ very substantially from the view expressed by Mr Garnham' (§56). The Tribunal drew the following conclusions about Mr Shreeve:

- 'Mr Shreeve's evidence makes it clear to us that he is neither independent nor reliable.' (§69)
- He showed 'a clear intention to assist the claimant rather than to assist any other fact finder.' (§69)
- 'the Shreeve Report is a rather dangerous document. It looks as though it has been written by somebody who takes all the relevant evidence into account. That appearance is misleading. It looks as though it was written by someone who applies a clear methodology of weighting to the evidence pointing in various directions. That appearance too is misleading. It looks as though there must be some good reason behind the eventual assessment of the subject's age. That appearance too is misleading.' (§70)
- 'Mr Shreeve's willingness to accept as a co-assessor, who signs a report with him, Ms Baff, who we discovered, neither fully understands the impact of the report nor agrees with its conclusions, further detracts from Mr Shreeve's professional credibility. Again, the appearance of validation given by a second signature is seriously misleading.' (§71)
- 'Anybody reading the report alone, might conclude that it should be given considerable weight and that there was good reason to suppose that the claimant's date of birth was about 1 June 1993. Without oral evidence we might have taken precisely that view. When the full picture as seen, it is clear that all



that can be said on the basis of Mr Shreeve's evidence is that the claimant was, at the date of its writing, somewhere between about 18 and about 25 years old.' (§72)

- 'We find it difficult to see how the report in its present form can be regarded as honest.' (§72)
- His report 'was clearly written with an aim of assisting the claimant rather than the court.' (§82)

Carey Baff

Ms Baff, also an independent social worker, was the joint author of the report prepared with Mr Shreeve. The Tribunal concluded:

- 'We can only assume that Ms Baff's cooperation in the production of the report was sought by Mr Shreeve in order to meet the point made by Mr Garnham that it would have been better to have two social workers.' (§58)
- 'It was quite clear from her oral evidence that Ms Baff did not fully understand the contents of what she had signed.' (§58)
- 'Her own method of assessing age appears to be purely impressionistic, and she is apparently content to use that method after a single meeting with the claimant.' (§58)

Elaine Fehrman

Ms Fehrman described herself as an independent social worker, currently in full time employment with Nottinghamshire Healthcare Trust. She was instructed by the claimant and prepared a 41 page report in which she concluded 'there is insufficient evidence to undermine [the claimant's] credibility' and that his 'age is as he has claimed in that he will be 17 years old in September 2011'. (§46) The Tribunal concluded:

- What 'Ms Fehrman appears to have done is to have discounted all the evidence tending against the claimant's claim, reached her own view that he was credible in his account of the taskara, and made her assessment by reference to his claim.' (§48)
- 'Ms Fehrman's report is, in our judgment, wholly unsatisfactory. She brings nothing to the assessment of the claimant's age other than his own claim about the taskara and her largely unmerited criticism of others. She declines to take into account evidence which is likely to be of some relevance' (§50)
- 'Ms Fehrman's oral evidence added little to the report, other than indicating very clearly that she was more concerned to adopt what she described as "anti-oppressive" attitude to the claimant than to reach any independent view of his age.' (§51)
- 'Ms Fehrman's report is of no assistance.' (§82)