



28 January 2022

Legislative Consent Memorandum for the Nationality and Borders Bill

RCP Cymru Wales response

Name of organisation: Royal College of Physicians (RCP) Cymru Wales

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While the Royal College of Physicians (RCP) represents medical specialties that mainly treat adults, we have taken advice from our colleagues at the Royal College of Paediatrics and the Royal College of Psychiatrists to inform our response.

We strongly support their view that healthcare professionals should not be using age assessment techniques on Unaccompanied Asylum Seeker Children and we endorse the following position statements from the Royal College of Paediatrics and Child Health, the British Society for Paediatric Endocrinology and Diabetes and the Royal College of Psychiatrists Wales. We are also concerned that proposals for a compulsory medical exam contravene Article 16 of the [United Nations Convention on the Rights of the Child](#), that is, a child's right to privacy:

'No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation. The child has the right to the protection of the law against such interference or attacks.'

[Refugee and unaccompanied asylum-seeking children and young people - guidance for paediatricians](#) (RCPCH)

'It is not possible to accurately assess a child's age based on physical examination or bone age assessment. It is therefore important for paediatricians, when contacted, to explain to social workers that dental x-rays, bone age and genital examination will currently not add any further information to the assessment process.'

[Position statement on paediatric age assessment \(reviewed in 2020\)](#) (BSPED)

'It is not possible to accurately assess a child's age based on physical examination or bone age assessment. Children and young people mature at very different rates and an examination can only demonstrate the stage of physical development that child is at, on that day. For example, an



11 year old girl who had an early puberty and has started her periods will be physically indistinguishable from a 15 year old girl who is at the same stage of puberty.

'The converse is also true – it is not possible to physically differentiate a young person who has delayed puberty from a younger child who is at the same pubertal stage. Bone age X rays will only report the degree of maturity of the bones, which is highly dependent on the child or young person's pubertal stage and physical development. For the same reasons as given above, they cannot be used to accurately age a child or young person. For these reasons, we do not support the use of physical examination or bone age X ray assessment as tools for age assessment in children and young people.'

Position statement on the Nationality & Borders Bill (RCPsych Wales)

'The role of the social determinants of health, particularly among asylum seekers who are disproportionately vulnerable to social inequalities such as unstable housing and poverty, and separation from families and communities should be recognised ... It is likely that the proposed changes will adversely impact the mental health of a group of people with pre-existing vulnerabilities and complex needs. Such people are already more likely to experience discrimination and face barriers to accessing suitable mental healthcare services in a timely and appropriate manner.'

About the RCP

Through our work with patients and doctors, the Royal College of Physicians (RCP) is working to achieve real change across the health and social care sector in Wales. Our 40,000 members worldwide (including 1,450 in Wales) work in hospitals and the community across 30 different clinical specialties, diagnosing and treating millions of patients with a huge range of medical conditions. We campaign for improvements to healthcare, medical education and public health.

We organise high-quality conferences and teaching. Our work with the Society of Physicians in Wales showcases best practice through poster competitions and trainee awards. We work directly with NHS bodies, we carry out hospital visits, and we collaborate with other organisations to raise awareness of public health challenges.

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