EXTRA DIVISION, INNER HOUSE, COURT OF SESSION

[2026] CSIH 4
P880/23

Lady Wise
Lord Clark
Lady Carmichael

OPINION OF THE COURT

delivered by LORD CLARK

in the reclaiming motion

by

DASTAN IBRAHIMI

Petitioner and Reclaimer

against

GLASGOW CITY COUNCIL

Respondent

Petitioner and Reclaimer: MacGregor KC, Winter; Drummond Miller LLP (for Mukhtar and Co, Glasgow)
Respondent: Johnston KC, D Welsh; Harper MacLeod LLP

20 January 2026

Introduction

[1] Mr Ibrahimi is from Iran. He travelled to the United Kingdom in 2021 and is an asylum seeker. In 2023 he made a request to Glasgow City Council in terms of section 25(1) of the Children (Scotland) Act 1995, which deals with accommodation for children under the age of 18. He claimed that his date of birth was 13 January 2006. In July 2023 the council carried out an age assessment and determined that he was over the age of 18. His request

for accommodation was refused. Mr Ibrahimi brought a petition for judicial review to challenge the council's finding. The Lord Ordinary refused the petition.

[2] In this reclaiming motion (appeal) Mr Ibrahimi (the reclaimer) contends that the decision of the Lord Ordinary to refuse the petition was wrong and that the finding made about his age should have been reduced. The council (the respondent) argues that the Lord Ordinary's decision should be upheld.

Background

[3] On 18 July 2023, two social workers employed by the council conducted an age assessment of Mr Ibrahimi. When he was being interviewed by them, he had an interpreter who was in contact with him by telephone. Mr Ibrahimi was asked about his date of birth and stated that it was 13 January 2006. At the end of the interview Mr Ibrahimi was told that the social workers had decided that he was over the age of 18. They made a note of the discussions they had with him. The next day he was given a decision letter, explaining the decision they had reached. A form entitled Appendix 1 was prepared setting out what was recorded by the social workers in the note and their comments on other matters, including Mr Ibrahimi's appearance, demeanour, interaction with the social workers and the decision reached. The notes taken on the day of the interview were contemporaneous notes. Appendix 1 is dated 25 July 2023. It and the notes of interview were internal records for the council, not given to Mr Ibrahimi at the time.

[4] On 19 July 2023 Mr Ibrahimi was provided with a decision letter in the following terms:

> "You have presented to the local authority claiming to be a child aged [*sic*] with a date of birth as stated: 13/01/2006 Gregorian calendar.

> In accordance with the ruling under Merton that states '*there are cases where it is very obvious that a person is under or over 18. In such cases there is normally no need for a prolonged inquiry*' a full assessment of your age is deemed unnecessary.
>
> In this instance, on the basis of a visual assessment of your appearance, demeanour and a brief enquiry with the assistance of an interpreter, it is our opinion that your appearance and demeanour strongly suggest that you are significantly over 18 years of age.
>
> It is not the intention, therefore, of the Local Authority to undertake a full assessment of age and in our opinion you should be treated as an adult. We have informed the Immigration Officers responsible for your case and they will now be responsible for making arrangements for you."

"[T]he ruling under Merton" is a reference to *R (B)* v *Merton London BC* [2003] EWHC 1689 (Admin), [2003] 4 All ER 280.

[5] While these points about the interview and the terms of the decision letter were agreed, the parties remained in dispute about several matters, as set out in Mr Ibrahimi's petition and the answers by the council. The averments in the petition included the following. Contrary to the council's assertion, Mr Ibrahimi never said that he arrived in the UK by lorry with his uncle. His uncle had told him to give a date of birth which put him over 18 when he arrived because otherwise he would be placed with a foster family, which would not be good. He answered as fully as he could to questions asked by the social workers about his asylum claim. He was not given an adequate opportunity to respond to the adverse points against him prior to the decision being given.

[6] The council's answers stated that on Mr Ibrahimi's arrival in the UK he gave his date of birth as 2002 and not 2006 as he now claims. He explained that he had arrived in the UK by lorry with his uncle but later said he had last seen his uncle in "the jungle". He was informed during the assessment that there were credibility concerns about his story regarding his uncle, the lack of full disclosure of his asylum claim and the fact that he had been living in Liverpool from November 2021 and did not know his address. After the

discussions with Mr Ibrahimi, they advised him that they did not believe that he was 17 years old, as he had asserted, and in fact believed him to be significantly over the age of 18. They explained that they had formed their view on the basis of his presentation, demeanour and interaction with them. He was given an adequate opportunity to respond to the adverse points against him prior to the decision being made.

The Lord Ordinary's decision

[7] Before the Lord Ordinary, the council submitted that the petition was academic and that it should be refused on that basis alone. The Lord Ordinary, under reference to various authorities, concluded that it was academic or indeed hypothetical. In *Wightman* v *S of S for Exiting the EU* [2018] CSIH 62, 2019 SC 111 the Lord President (Carloway) (at para [22]) restated the general rule that "a court should not be asked to determine hypothetical or academic questions; that is those that will have no practical effect." In *R (SB)* v *Kensington and Chelsea RLBC* [2023] EWCA Civ 924, [2024] 1 WLR 2613 the Court of Appeal had decided there was no live issue where it was accepted that an individual was over 18 and had never been looked after by the respondent local authority. In *Abdullah* v *Aberdeenshire Council* [2024] CSOH 8, 2024 SLT 143, in similar circumstances, it had been noted that an age assessment judicial review was academic (para [66]). The possibility that a potential future dispute between Mr Ibrahimi and the council might be relevant was remote.

[8] In case the application was not academic, the Lord Ordinary considered Mr Ibrahimi's substantive grounds of challenge. It was submitted on his behalf that the age assessment decision was flawed in four respects. First, the reasons set out in the letter of 19 July 2023 were inadequate. They left an informed reader in real and substantial doubt as to the reasons why the social workers concluded Mr Ibrahimi's appearance was that of

someone clearly over 18 and as to what was vague about his description of his travels and why it was said that his answers were abstract. Second, the age assessment was unfair. Mr Ibrahimi was not told the "gist" of the case against him before the decision was taken and was thus unable to make representations. Reference was made to *Reg* v *Home Secretary Ex p Doody* [1994] 1 AC 531 at 560. Third, given that features such as a fully developed Adam's apple, facial hair, and broad shoulders can arise in persons under 18 (especially those close to that age, as Mr Ibrahimi contended he was), it was irrational to conclude that he was over 18 on that basis. Fourth, the social workers ought to have investigated Mr Ibrahimi's account of his uncle's role by making inquiries with Merseyside Police and the Home Office. By failing to do so, they had breached the so-called *Tameside* duty, to carry out further inquiries if the information they had was not sufficient to reach the decision (*Gender Recognition Reform Order 2023* [2023] CSOH 89, 2024 SC 173 at paras [74] - [75], referring to *Education Secretary* v *Tameside BC* [1977] AC 1014 at 1065).

[9] The Lord Ordinary considered and rejected each of these submissions. The letter of 19 July 2023 relied on Mr Ibrahimi's appearance in supporting the conclusion that he was over 18. The account he gave of his travels was not relied upon. In *Merton*, Stanley Burnton J (at para [36]) noted that whilst age assessment in borderline cases was "difficult", it was not complex. It did not require "anything approaching a trial" and could be determined informally. "[J]udicialisation" of the process was deprecated. Applying the approach in *Merton*, the Lord Ordinary noted that the council clearly stated what factors it relied upon to conclude that Mr Ibrahimi was over 18 ("your appearance and demeanour"). It was always possible to provide more information, but all that was required was a statement of how the decision was made on the central issue of the petitioner's age.

[10] With regard to procedural fairness, the Lord Ordinary again noted that the ultimate decision had been made on the basis of appearance and demeanour alone. Assessment of appearance and demeanour were matters of direct observation, not an inferential conclusion reached after an evaluation of witness evidence. With reference to the decision of Swift J in *R (HAM)* v *Brent LBC* [2022] EWHC 1924 (Admin), [2022] PTSR 1779 (at paragraph 11), the Lord Ordinary noted that where credibility was in issue and the decision-maker was minded to conclude the person was lying, that view and the reasons for it should be explained to the person to give him a chance to respond. However, this was not such a case.

[11] The Lord Ordinary dealt shortly with the challenges based on irrationality and the *Tameside* duty. Mr Ibrahimi could only succeed on those grounds if the council's conclusion that he was over 18 and its view that it had the necessary information to decide the question, without any further investigation, were decisions that no reasonable decision-maker could have made. This was a high bar which was simply not met.

[12] In arriving at his decision on the issues raised, the Lord Ordinary did not consider it necessary to have regard to the contemporaneous notes or the affidavits lodged for both parties; rather, the focus was on the decision letter.

Submissions

Submissions for the reclaimer

[13] The court should grant the reclaiming motion for the following reasons. First, the Lord Ordinary had been wrong to find that the petition was academic. The reclaimer would require, in the absence of reduction of the age assessment decision, to go through life with the wrong date of birth. This in itself gave rise to live and practical consequences. In *JR194* [2024] NIKB 46 Colton J said (at paragraph 36) that there is a "clear public interest" in

accurate and evidence-based records of dates of birth and indeed an Article 8 ECHR right to the same. The Lord Ordinary's view that the (claimed) erroneous age assessment would be unlikely to make any difference to the reclaimer was in error.

[14] The Home Office would be entitled to rely on the age assessment when determining his asylum claim (*R (BM)* v *LB Hackney* [2016] EWHC 3338 (Admin), at paragraph 42), as would the First-tier Tribunal if it was necessary to appeal the decision there. So far as the Home Office was concerned, the reclaimer's date of birth was the one determined by the respondent. Similarly, although the reclaimer was now over 18, he was still under 21 and entitled to ask for local authority assistance under section 25(3) of the Children (Scotland) Act 1995 (*Ahmat* v *Aberdeenshire Council* [2025] CSOH 15, 2025 SLT 735, at para [8]). All of these were real, practical consequences for the reclaimer which would persist until the age assessment decision was reduced.

[15] The Lord Ordinary had erred further in holding that adequate reasons were given. There were two inconsistent letters issued, one of which was undated. The decision letter of 19 July 2023 did nothing more than recite well-known policy and case law but did not provide adequate reasons justifying the decision taken. A quotation or paraphrase of the statutory or case-law test was not an adequate statement of reasons. Reference was made to *Clyde and Edwards on Judicial Review,* at 17.24. In any event, the reliance upon *Merton* by the social workers and the Lord Ordinary was misplaced. As was observed in *Merton* (at paras [22] - [24] and [28]) different people mature at different rates. There is no reliable anthropometric means of distinguishing between a 17 or an 18-year-old and making an "objectively verifiable determination" of the age of a person between 16 - 20 was an impossibility.

[16] If it was accepted that the oral history provided by the reclaimer was credible and reliable, then observations about his appearance and demeanour could not be decisive in assessing his age at over 18 (*R (BM),* at paragraph 44). The letter of 19 July 2023 referred to a "brief enquiry" but it was not clear what relevance this had to the social workers' ultimate decision. The suggestion that demeanour and appearance were the sole determining factors was inconsistent with the contemporaneous letter of 19 July and the affidavits of the social workers which also referred to credibility. Parts of the affidavits ought to be treated as *ex post facto* reasoning and disregarded (*Chief Constable* v *Lothian and Borders Police Board* [2005] CSOH 32, 2005 SLT 315, at paras [65] and [70]). However, the inconsistencies in the affidavits and with what was noted in Appendix 1 undermined the respondent's position to a material extent. The reality was that the social workers had taken into account the reclaimer's credibility and reliability in reaching their conclusion and thus the letters left him in real doubt as to what it was about his account which caused them to find him incredible.

[17] The Lord Ordinary had failed to take into account all relevant factors. As a result, he had erred in upholding a decision which was procedurally unfair, irrational, and in breach of the *Tameside* duty. The Lord Ordinary had failed to consider Appendix 1 and the affidavits, which contained several inconsistencies.

[18] The procedure followed by the social workers and recorded in their notes was irrational. They had interviewed the reclaimer, withdrawn to consider the decision, and then returned to simply hand down their conclusion without giving him an opportunity to address points adverse to him. Had he been afforded the opportunity, he could have explained the apparent contradiction regarding his uncle's involvement and the various issues referred to in his pleadings. He would have explained that he was not making eye

contact with the social workers as they seemed unhappy and angry. His broad shoulders and broad hands were related to his having been employed lifting heavy boxes in a bakery.

[19] The Lord Ordinary had erred in not holding that the respondent's decision had also been irrational. The respondent had relied upon the lack of full disclosure of the reclaimer's asylum claim, but all that had been missing was his port reference number, a point easily explained by the fact he did not have his papers with him. He was candid about his reasons for leaving Iran. The reliance on the reclaimer's appearance was also irrational. There is no biological reason why a 17-year-old cannot have a broad shoulders, a fully developed Adam's apple, acne scars, and need to shave. Whilst the social workers were said to be "experienced" in age assessments they were not expert witnesses (*R* (*MVN)* v *London Borough of Greenwich* [2015] EWHC 1942 (Admin), Picken J at paragraph 32). This court ought to adopt a strict view of rationality given the consequences for the reclaimer of an erroneous age assessment. The failure to confirm whether or not the reclaimer's uncle was with him on arrival in the UK was a breach of the *Tameside* duty as the respondent had been in contact with the Home Office at the relevant time and could easily have sought this information.

Submissions for the respondent

[20] The reclaiming motion should be refused. The Lord Ordinary was correct to determine that the petition was academic and that the respondent had given adequate reasons. The Lord Ordinary had regard to all relevant matters.

[21] *Wightman* was authority for the proposition that this court will not entertain petitions in its supervisory jurisdiction unless the orders sought will have a practical effect (Lord President (Carloway) at para [22]). *R* (*SB)* was on all fours with the present action.

Like the reclaimer, the individual in *R (SB)* had, by the time of the hearing, attained the age of 18 years. The Court of Appeal held that the appeal was academic. All that was said on the reclaimer's behalf was that the date of birth might, potentially, be relied upon by the respondent or another person or body adverse to his interests. The position was directly analogous to that in *R (SB),* as the Lord Ordinary correctly observed.

[22] The specific examples offered by the reclaimer as to how the age assessment decision could affect him in future were either speculative or mistaken. The submission that he was in effect stuck with the age assessment decision was wrong in law: an age assessment is only binding for all purposes if carried out by a "designated person" in terms of section 50(7) of the Nationality and Borders Act 2022. *JR194* did not assist the reclaimer. Even in *JR194* the applicant was unsuccessful because he failed to provide reliable evidence as to his correct date of birth. But in any event, *JR194* was not an analogous case: there was no Article 8 challenge nor did the age assessment decision result in any change to "official documentation". The Home Office would be required to make its own assessment of the reclaimer's age, as would the First-tier Tribunal if need be. The fact that the reclaimer disputed the age assessment decision was recorded and so his position was preserved in relation to either body. In any event, the respondent had (consistent with its primary position that the petition was academic) offered to withdraw the age assessment given there was no dispute that the reclaimer is now over 18. The reclaimer had chosen not to accept that offer. Such an offer was a complete answer to the concern that future decision-makers would be constrained by the age assessment decision.

[23] Turning to the reasons challenge, the well-known principles were laid down in *Wordie Property Co Ltd* v *Secretary of State for Scotland* 1984 SLT 345: a decision must leave the informed reader without "real and substantial doubt" as to the reasons it was taken.

Reasons could be stated shortly in appropriate cases (*Paton, Petitioner* [2019] CSOH 62). *Merton* made clear that age assessments are just such a case. Indeed, *Merton* went further in determining that an age assessment was not "anything approaching" a trial and "judicialisation" of the process is to be avoided. Stanley Burnton J in *Merton* specifically endorsed an informal approach (at paragraph 36). The reclaimer was determined by the respondent to be obviously over 18. These were precisely the circumstances in which *Merton* endorsed such an informal, speedy approach. The letter, in such circumstances, was adequate. The reclaimer was left in no real and substantial doubt as to why the respondent had disbelieved his claimed date of birth: because he was obviously over 18 based on his appearance and demeanour.

[24] The Lord Ordinary's decision was neither irrational nor did it proceed on an insufficient regard for the relevant material. This ground of challenge amounted to no more than disagreement. The substantive ground of challenge was framed as a reasons challenge. The Lord Ordinary correctly, therefore, had regard not to the social workers' internal notes or their affidavits, but to the letter of 19 July 2023 in which the reasons were given.

[25] In circumstances where there was no procedural unfairness the rationality and *Tameside* challenges could be dealt with in short compass: the Lord Ordinary expressly addressed the reclaimer's rationality challenge as it was presented to him. The subsequent analysis of the affidavits was an exercise undertaken for the appeal, which was improper, and in any event no more than a commentary on the evidence which was a matter for the Lord Ordinary.

Analysis and decision

(i) Was the claim in the petition academic?

[26] On this first issue, we are not satisfied that the reclaimer's application for judicial review was academic. It was sufficiently clear that, going forward, the age assessment could potentially have an impact in relation to the reclaimer, even though he is now (on his own approach) already over the age of 18. The decision by the respondent was not made under section 50 of the Nationality and Borders Act 2022 and so it is not a binding decision. However, while the Home Office may decide not to rely on the respondent's age assessment when determining the asylum claim, it is entitled to treat it as relevant (*R (BM)* v *LB Hackney* [2016] EWHC 3338 (Admin), at paragraph 42). If the reclaimer's asylum claim is rejected and he appeals against it, the First-tier Tribunal may have regard to the respondent's decision about his age. Moreover, we accept the reclaimer's submissions that if he is still under the age of 21 he is entitled to ask for local authority assistance in terms of section 25(3) of the Children (Scotland) Act 1995 and in that regard the current decision of the respondent could again be relevant.

[27] We therefore reject the proposition that later reliance on the decision is no more than a remote possibility. It cannot be said that the age assessment will have no practical effect. It is true that it may or may not be relied upon, but live issues as to whether it will potentially be used remain in play. In addition, if the finding is reduced it could have positive consequences for the reclaimer. For these reasons, it would go too far to conclude that the judicial review application was academic or hypothetical.

[28] The case of *Ahmat* v *Aberdeenshire Council* [2025] CSOH 15, 2025 SLT 735 was relied upon by the reclaimer. Lady Carmichael (at paras [4] - [8]), having noted the decision of the Court of Appeal in *R (GE (Eritrea))* v *Home Secretary* [2015] 1 WLR 4123, concluded that the

dispute about age was relevant to the future exercise of powers conferred by section 25(3) of the 1995 Act. While the circumstances and remedies sought in *Ahmat* were quite different, we consider that the approach taken on the issue of whether the action was academic was correctly decided.

[29] The respondent's point that it had offered to withdraw the age assessment, given that there was no dispute that the reclaimer is now over the age of 18, is of no relevance. The reclaimer did not accept that offer. Whether, if he had chosen to accept that offer, that would have been a complete answer to his concern that future decision-makers would be constrained by the age assessment decision, is neither here nor there. The age assessment decision was not withdrawn and remains extant. It is worth noting, however, that the offer to withdraw the age assessment was attended by a statement, in terms, that the council did not accept that the petitioner was the age he said he was, or that it had conducted its age assessment unlawfully. It is unlikely, therefore, to have engendered much confidence that any future assessment of age by the council would be carried out with an open mind.

(ii) Adequate reasons

[30] Turning to the issues of substance, the next question is whether the reclaimer was given adequate reasons for the decision reached on age assessment. The test is whether the informed reader is left in real and substantial doubt as to the reasons for the relevant decision and the material considerations taken into account in reaching it (*Wordie Property Co Ltd* v *Secretary of State for Scotland* 1984 SLT 345, at 348).

[31] The reclaimer's submission that there were two inconsistent decision letters is incorrect. The first letter, undated, was given to the reclaimer to allow him to give it to any relevant third parties. The decision letter was the one issued on 19 July 2023. The terms of

the decision letter, as quoted earlier, refer to "a visual assessment of your appearance, demeanour and a brief enquiry with the assistance of an interpreter" having taken place. The decision reached was that "your appearance and demeanour strongly suggest that you are significantly over 18 years of age." On behalf of the reclaimer, it was argued that, while credibility is referred to in the contemporaneous notes and the affidavits given by the two social workers as a factor that was taken into account, it is not referred to in the decision letter; as a consequence, the position that demeanour and appearance were the sole determining factors was inconsistent with that approach.

[32] We do not accept that contention. It is clear from the decision letter that the reclaimer's appearance and demeanour were of themselves sufficient for the view to be reached that he was significantly over the age of 18. It is equally clear that, while credibility is not expressly mentioned in the letter, it was nonetheless part of the context and was consistent with the view reached. "[D]emeanour" can be linked to credibility, although it has to be considered very carefully and can at times be unreliable. More importantly, the reference in the decision to "a brief enquiry with the assistance of an interpreter" shows that discussions with the reclaimer *via* the interpreter, and in particular the questions asked and answers given, were taken into account.

[33] There was, of course, a central credibility issue dealt with in the decision letter, given what the reclaimer had said about his age. It must have been abundantly clear to the reclaimer that his position on that fundamental point was not believed. In any event, the decision was arrived at because of his physical appearance and demeanour and did not turn on particular aspects of the credibility of his account.

[34] The result is that the reasons given are not, as the reclaimer submitted, inconsistent with the contents of the contemporaneous notes or the affidavits. The affidavits were

provided for the judicial review application, about a year after the decision on age assessment. They could arguably be given little weight, especially when there were the contemporaneous notes. But this is not a case in which the notes or affidavits suggest that the true reasons for the decision are fundamentally different from those provided in the decision letter. If the Lord Ordinary had considered the contemporaneous notes and the affidavits that would not, in our view, have changed his decision.

[35] Where it is very obvious that an individual is over 18, there is no need for a prolonged inquiry (*R (B)* v *Merton London BC* [2003] EWHC 1689 (Admin), [2003] 4 All ER 280, paragraph 27). The decision of the social workers that his physical appearance and demeanour strongly suggested that he was significantly over 18 years of age equiparates with that test in *Merton.* In those circumstances, extensive analysis of a wide range of matters was not required. It is well-established that the reasons need not be lengthy or elaborate (*Paton, Petitioner* [2019] CSOH 62, para [12]; *Merton*, paragraph 48). We are satisfied that adequate reasons were provided in the decision letter.

(iii) Procedural unfairness

[36] The standards of procedural fairness are neither immutable nor are they to be applied identically in every situation (*Pyaneandee* v *Leen* [2024] UKPC 27, paragraph 68). Rather, the requirements of fairness in any given case depend crucially upon the particular facts and circumstances (*Permanent Secretary, Ministry of Foreign Affairs* v *Ramjohn* [2011] UKPC 20, paragraph 39, under reference to *Reg* v *Home Secretary, Ex p Doody* [1994] 1 AC 531, at 560; and *R* v *Chief Constable of the Thames Valley Police, Ex p Cotton* [1990] IRLR 344, CA, paragraph 60). However, fairness will very often require that a person who may be adversely affected by the decision will have an opportunity to make representations

on his own behalf and be informed of the gist of the case which he has to answer: *Doody*, at p 560.

[37] The reclaimer submitted that the Lord Ordinary had failed to take into account the procedure followed by the social workers and recorded in their notes, which would have shown procedural irregularity. It was argued that if the reclaimer had been given an opportunity to respond, he could have addressed the concerns that arose. These included conflicting information regarding his uncle, the reasons why he was not making eye-contact with the social workers and what he had disclosed about the asylum claim.

[38] This ground is without merit. The suggestion that the social workers had simply handed down their conclusion without giving the reclaimer an opportunity to address points adverse to him is not made out. The contemporaneous notes record that the reclaimer was told that what he said about his age being 17 was not believed. He had the opportunity to respond and indeed did so, insisting that he was born in 2006. It is noted that "he was advised based on his demeanour, presentation and interaction with workers, [that] it is believed he is significantly over the age of 18 years old". The reclaimer has not attempted to establish that these parts of the contemporaneous notes are incorrect; rather, he relies upon not having been given notice of certain concerns about his credibility, as noted above. However, he was plainly told the gist of the case against him before the decision was taken, and was allowed to respond, which complies with natural justice and procedural fairness (*Doody*, at p 560).

[39] The Lord Ordinary correctly noted that the decision had been made ultimately on the basis of appearance and demeanour. As already observed, the other credibility factors that were considered merely provided support for that basis, which on its own readily sufficed. There was therefore no need to give Mr Ibrahimi the opportunity to comment further on

detailed matters mentioned in the contemporaneous notes or affidavits, such as the apparent contradiction regarding his uncle's involvement, eye-contact and disclosure of his asylum claim.

(iv) Irrationality

[40] It cannot be said that it was irrational for the social workers to have regard to the credibility factors when these are merely supportive rather than necessary elements in the decision-making. Moreover, the suggestion that reliance on the reclaimer's appearance was irrational is of no moment. It was entirely legitimate for the social workers, who are experienced in age assessments, to have regard to the various physical matters identified such as broad shoulders, broad hands, his height and build. As is explained in the contemporaneous notes, they formed the view that he had a fully developed Adam's apple, consistent with an adult male, an angle face which was inconsistent with a 17-year-old, and a fully developed physique unlike that of a 17-year-old. His old acne scars on his cheeks were said to be also inconsistent with facial features of a 17-year-old. These assessments cannot be seen as irrational, in the sense of being a conclusion that no reasonable authority could have reached. The social workers were not required to list exhaustively the aspects of his physical appearance or demeanour which they considered relevant. The view that there was a lack of full disclosure of the reclaimer's live asylum claim was not a matter of substance in the decision reached by the respondent and no irrationality arises from it.

(v) The Tameside issue

[41] Finally, the reclaimer argued, in reliance on *Education Secretary* v *Tameside BC* [1977] AC 1014 at 1065, that the respondent failed to take reasonable steps to acquaint itself with

the relevant information to enable it to assess the reclaimer's age as accurately as possible. This contention cannot succeed. As the Lord Ordinary noted, the court will only intervene if no reasonable decision-maker would have been satisfied, on the basis of the inquiries made, that it possessed the information necessary for the decision. It was argued that the failure to confirm whether or not the reclaimer's uncle was with him on arrival in the UK was a breach of the *Tameside* duty. However, that part of the account given by the reclaimer was merely a minor factor in relation to credibility, which, as already explained, was not of itself a necessary ingredient in the decision reached. It was certainly not a key factual matter in making the decision. It was not unreasonable for the respondent to have reached its decision on physical appearance and demeanour and to have done so without carrying out this further investigation.

Disposal

[42] For the reasons given, the reclaiming motion succeeds only to the extent that the application for judicial review was not academic or hypothetical. On the remaining and substantive issues the reclaiming motion fails. We shall recall the Lord Ordinary's interlocutor of 6 February 2025, sustain the reclaimer's third and fourth pleas-in-law to the extent that the petition was neither academic or hypothetical and sustain the respondent's fifth and sixth pleas-in-law. All other pleas-in-law are repelled. The result is that the court will refuse to grant the remedy sought in the petition for reduction of the council's age assessment. In the meantime, all questions of expenses are reserved.