

**1. Obtain and use a range of researched material.**

- **Research an issue of interest using a range of sources – this may include primary and secondary methods of research.**
- **Analyse and evaluate the credibility of each source, ensuring that you consider possible bias.**
- **Analyse and evaluate the material for use in a group discussion.**
- **Extract factual information that will enable you to present a strong argument.**
- **Create a bibliography.** (LO3)

My issue of interest is:

**"The age of criminal responsibility in the UK"**

**The current law in England & Wales regarding the age of criminal responsibility states:**

A child who is aged under ten is irrefutably presumed to be incapable of committing an offence. Prior to 1998, a child aged between 10 and 14 was presumed to be incapable of committing an offence unless the prosecution were able to prove that the child knew the difference between right and wrong. Now, children aged between 10 and 17 are capable of committing offences and it is not possible for a child to avoid liability by showing he does not know the difference between right and wrong. However, a child should not be found guilty if he is unfit to plead.

In exceptional circumstances, most notably the case of the murder of James Bulger in Liverpool in 1993, children can be tried as an adult in an adult court. This case set a precedent and maintained the age of criminal responsibility at 10.

From the age of 17 onwards, individuals are then considered an adult in the eyes of the law. Therefore, all punishment given by the courts or other law enforcement agencies will rest solely upon them.

The above information is taken from Wikipedia. As a student at Thanet College I hear on a daily basis that Wikipedia is unreliable and shouldn't be used as a source of research. I don't agree with this statement. I'm not saying it's the best site for research on the web and certainly not the most credible but, it can point you in the right direction as well as giving you a great starting point from which to develop your research.

Wikipedia allows anyone to edit the content on their website just by simply creating a free account. Straight away we can see the potential problems that might occur from using this site, the information you see might not be as accurate as first thought. To test this out, I researched past managers of Arsenal football club and changed the name of Don Howe who managed the club from 83-86 to Damion Howard. Within minutes this change was picked up and removed. This shows me that Wikipedia are relatively reliable in removing errors swiftly therefore presenting the fact that Wikipedia can be a good site to use in researching a topic.

Should Wikipedia be completely forgotten about when researching a topic? I would say no. Wikipedia provides a great base to your research, personally, I always first look to Wikipedia when starting a project to gain a good base of information from which I can then progress onto some other, more recognised credible sources. Most of the time you can find the more credible sites in the references section of the Wikipedia page.

### **Calls to raise the age of criminal responsibility rejected (BBC NEWS)**

According to the BBC News website, calls to raise the age of criminal responsibility from 10 to 12 were rejected by the government back in March 2010.

At this time, the England's Children's Commissioner Maggie Atkinson was quoted by The Times newspaper as saying "Most criminals under 12 did not fully understand their actions". The Ministry of Justice hit back saying that "Those over 10 knew the difference between bad behaviour and serious wrongdoing".

Using the information provided on the BBC News website, I have produced a table below showing the age of criminal responsibility in a number of different countries:

AGES OF CRIMINAL RESPONSIBILITY	
Switzerland, Nigeria, Africa	7
Scotland, Sri Lanka	8
England, Wales, Northern Ireland, Australia, New Zealand	10
Netherlands, Canada, Greece, Turkey	12
France	13
Italy, Germany, Bulgaria, Romania, China	14
Denmark, Sweden, Norway, Finland, Czech Republic, New York, South Carolina	15
Spain, Japan, Texas, Poland	16
Belgium, Luxembourg	18

**We can see that the age varies from country to country and in some cases quite broadly.**

The Ministry of Justice said “We do not intend to raise the age of criminal responsibility. It is not in the interests of justice, of victims or the young people themselves to prevent serious offending being challenged”.

A case that is almost always brought up in current times when talking about the age of criminal responsibility is that of James Bulger, just as it was above, who was murdered on February 12<sup>th</sup> 1993. Jon Venables and Robert Thompson, the ten year old boys who killed James, took the eight year old from a shopping centre in Merseyside, tortured him then left him for dead on a railway line. This case is significant in that if the age of criminal responsibility at the time of the murder was not set at ten, then James’s killers could not have been prosecuted and there would have been outrage.

Dr Atkinson said that “What Venables and Thompson did was exceptionally unpleasant and the fact that a little boy ended up dead is not something the nation can easily forget, but they shouldn’t have been tried in an adult court because they were still children”. She also added “The system must recognise that although people may be offenders they are also children”.

Significantly, the age of criminal responsibility is still the same as it was in 1969, but there is no longer any need for a prosecution to prove that a ten year old knows the difference between right and wrong.

The information above is taken from the BBC News website. In comparison to Wikipedia, the BBC is a much more credible source for information. This is for a number of reasons. Firstly, all reports have the name of the author at the beginning of the text. This is useful so that the reader knows where the information has come from. Also, dependant on who the author works for or how well they are known, the reader should be able to tell whether the information is likely to be credible or not.

Being the BBC, the information contained on its website is likely to be mostly accurate. I say this because I doubt a company the size of the BBC and the reputation it has would like to bring their name into disrepute. If there were some information that proved not to be true contained within their website than I'm sure the BBC would be informed and the necessary corrections would be made almost immediately. Also, reporters like to keep a good reputation, I doubt that a reporter working for the BBC would put together a report that wasn't totally true, they would have too much to lose. However, it must also be said that a reporter may well exaggerate stories in order to make them more compelling. This sort of thing might be done in order to gain more readers of the writers work. I think it's important to take these things into account when using the BBC News website for research.

Overall, I think that the BBC News website is a credible source for research with a low risk of possible bias. My reasons for this are that a reporter for the BBC website has a job to do, to report on a story or an issue of interest. In order to carry out a report the reporter must gain facts and opinions from both sides, they do this by interviewing people and asking them questions, this ensures that facts and opinions from both sides can be given. Once this information has been gathered, the writer can then set out on typing his report. This information is then very valuable to a researcher who gets details from all different sources. In my case, I get to read about the comments made by Dr Atkinson and also those of the Ministry of Defence regarding the age of criminal responsibility and their views on the issue.

### ***The Guardian* Special Report**

In 2001, in connection with the killing of James Bulger by two young boys, *the Guardian* compiled a special report. This report was based on one question, "The age of criminal responsibility in England is 10, which allowed James Buglers' killers to be prosecuted. Should it be altered?" (Diane Taylor)

This question was put to a specific few people who I will name below including their responses:

#### **Dr Ann Hagell**

##### **Co-director, Policy Research Bureau**

There is no other legal or social arena where we give children complete responsibility at 10, mostly for good reason. The important thing is the consequence of being over the age of criminal responsibility, not the age per se. Other countries with a very low age (10 or less) usually have a period where responsibility is not absolute until mid-to late teens, or where the response to breaking the law is welfare-oriented rather than retributive. For example, the age in Scotland is eight but the consequences are almost all framed within the welfare system.

**Verdict: Age isn't the issue**

#### **Frances Crook**

##### **Director, Howard League for Penal Reform**

Our age of criminal responsibility is one of the lowest in Europe. Other European countries have set the age at 14, 15, 16 or, in some cases, at 18. If children do something wrong they should be dealt with through the care system not the criminal justice system. Children know if they have done something wrong, but they don't know the difference between various levels of wrongdoing. What all children know is that the world of adults is capricious and that parents don't always respond to things in the same way. The age should be raised to 14 and then 16.

**Verdict: Yes, to 14**

#### **Laurence Lee**

##### **Solicitor for Jon Venables at his trial**

I think that Thompson and Venables did know the difference between right and wrong at the age of 10, but they were treated like circus animals at the trial. When the case went to the European court, it ruled that proceedings in future cases of this kind should be more informal. If the age of criminal responsibility at the time of the Bulger killing had been 12, the boys wouldn't have been prosecuted and there would have been outrage. It could be argued that their sentence starts the day they are released. With their new identities they will have to live a lie.

**Verdict: No**

**Carolyn Hamilton**

**Director, Children's Legal Centre**

I would say about 14. I think that at that age children are better able to understand the consequences of what they are doing. A child of 10 who has committed an offence is more appropriately dealt with in the care system than in the criminal justice system. The European court says that a child must be able to participate in their own defence and I think a child of 14 is able to do that. The Committee on the Rights of the Child has said that 10 is too young for criminal responsibility. If our aim is rehabilitation, it is best done under the civil system, not the criminal justice system.

**Verdict: Yes, to 14**

**Lyn Costello**

**Mothers Against Murder and Aggression**

Children of 10 know the difference between right and wrong. They know you don't hurt small children. The killing of James Bulger was a planned and covered-up crime. Any parent will tell you there are cases where children play rough and get hurt, but they know it's wrong to kill a child and Thompson and Venables knew that, otherwise they wouldn't have covered it up and lied about it. We have children as young as eight, or even six, terrorising people on estates such as the one I live on. I also think parents should be held responsible for their children's behaviour.

**Verdict: Yes, to 8**

**Beate Raedergard**

**Mother whose child was killed by young boys**

My five-year-old daughter, Silje, was killed by two boys near our home in Trondheim, Norway. It was a year after the killing of James Bulger, and the two incidents were compared in the press. In Norway, where the age of criminality is 15, the boys were treated differently. Silje was stripped, stoned and beaten, and left for dead. I do not understand why and I will never recover, but I don't hate the boys. I think they understood what they had done, but not the consequences. The boys went back to school, were helped by psychologists and have had to learn how to treat others to fit back into society.

**Verdict: Yes, to 15**

I believe The Guardians special report is a good source of credible information. What we have here are the views given by a variety of different people on the idea of what the correct age of criminal responsibility should be. Diane Taylor asks a simple question to each person who then gives their views and thoughts. I do not feel there is any bias here. Diane Taylor has asked each person a simple question and each person has replied, detailing their answer and a justification for it.

It's interesting to look at information like this as it allows the reader to get an understanding from a variety of different people from different walks of life. Diane hasn't asked just anybody, she has questioned specific people such as Laurence

Lee who was the defence lawyer for Jon Venables at his trial and Lyn Costello from Mothers Against Murder and Aggression. This allows the reader to gain an insight into different peoples perspectives on the issue.

The Guardians special report was also included in a House of Commons note back in 2009 validating itself as a credible source. The note was produced to explain the age of criminal responsibility in England and Wales is now ten, and refers to some criticisms which have been made about the current legal position. The report also details the views of the UN committee who express their concerns at the age in which children enter into the criminal justice system in the UK. (S Broadbridge)

## **Conclusion**

As we can see above, it cannot be denied that the issue of the age in which a person can be held responsible for a criminal offence is a much debated issue. While a lot of people feel that the age should be raised, equally, a lot of people feel that it should be kept the same or even lowered. The age of criminal responsibility in the UK (10 in England, Wales and Northern Ireland, and 8 in Scotland) is the lowest in the European Union.

My personal view is that the age currently set is the correct one. I believe that if you commit an offence at aged 10 then you are fully aware of what is wrong and what is right. I also believe that if the offence is serious enough to be punishable with a custodial sentence then that is what should be handed down to those responsible, regardless of age. However, I also believe that in certain situations such as that of Venables and Thompson, aged just ten and eleven at the time of the murder of James Bulger, that the parents should have been found partly responsible for the actions of their children. Of course this is only my opinion on the matter. To further research the issue of age related to criminal responsibility I will produce a questionnaire which I will put to the public. The main aim of this questionnaire will be to establish whether the public feel the current age of criminal responsibility should be changed or not.

**Here is my questionnaire:**

**1. At what age do you think a person is fully aware of what a criminal act is?**

- ☐ 12 Years and under?
- ☐ 12 Years and over?

**2. Should the government raise the age of criminal responsibility from 10 to 12?**

- ☐ Yes?
- ☐ No?

**3. Do you think that the parents of a child aged 12 years or younger who commits an offence should be held partly responsible for the actions of their children?**

- ☐ Yes?
- ☐ No?

**4. Do you think that a person under the age of 12 years old has a greater chance of offending after playing violent computer games and watching violent movies?**

- ☐ Yes?
- ☐ No?

**5. What do you think the correct age for criminal responsibility should be set at?**

- ☐ Over 12
- ☐ Under 12



**Questionnaire Results**

**Q1**

27 -3

**Q2**

29 - 1

**Q3**

17 - 13

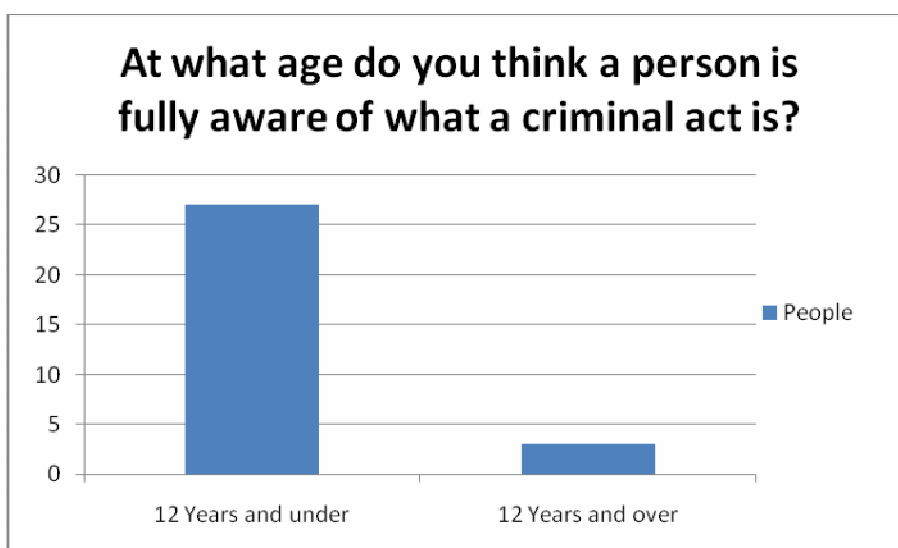
**Q4**

18 - 12

**Q5**

28 - 2

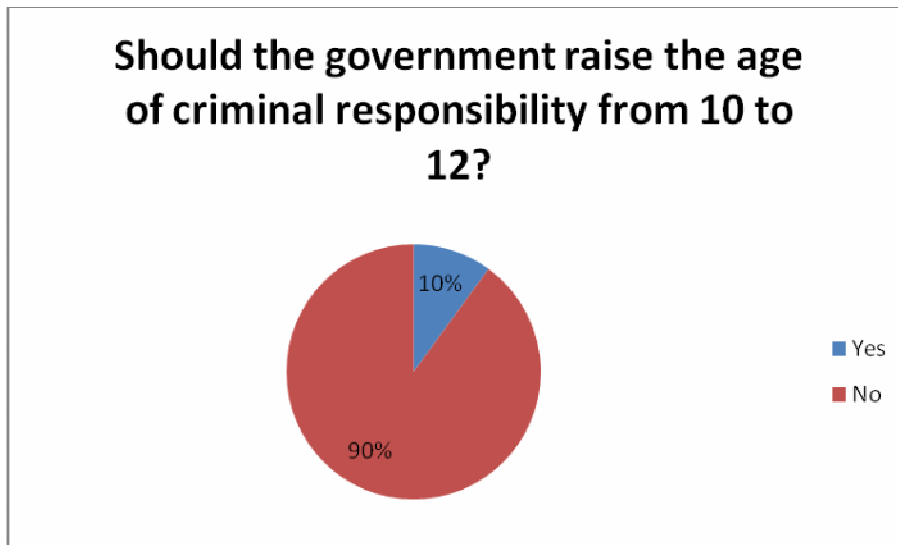
### Analysis of questionnaire



**Figure 1**

Figure 1 shows us the majority of the public that I questioned feel that a child who is aged 12 years and under knows what a criminal act is. Just a tiny 10% feel that a child has to be over 12 years old to be fully aware of what a criminal act is.

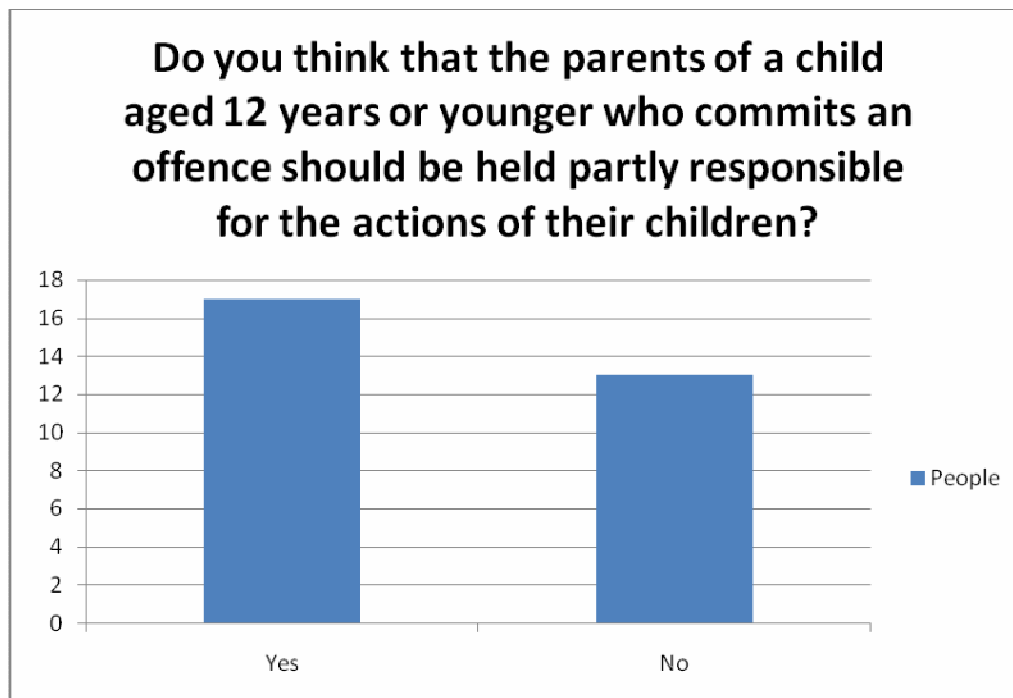
This information tells us that the current age of criminal responsibility, 10, is probably widely accepted by most.



**Figure 2**

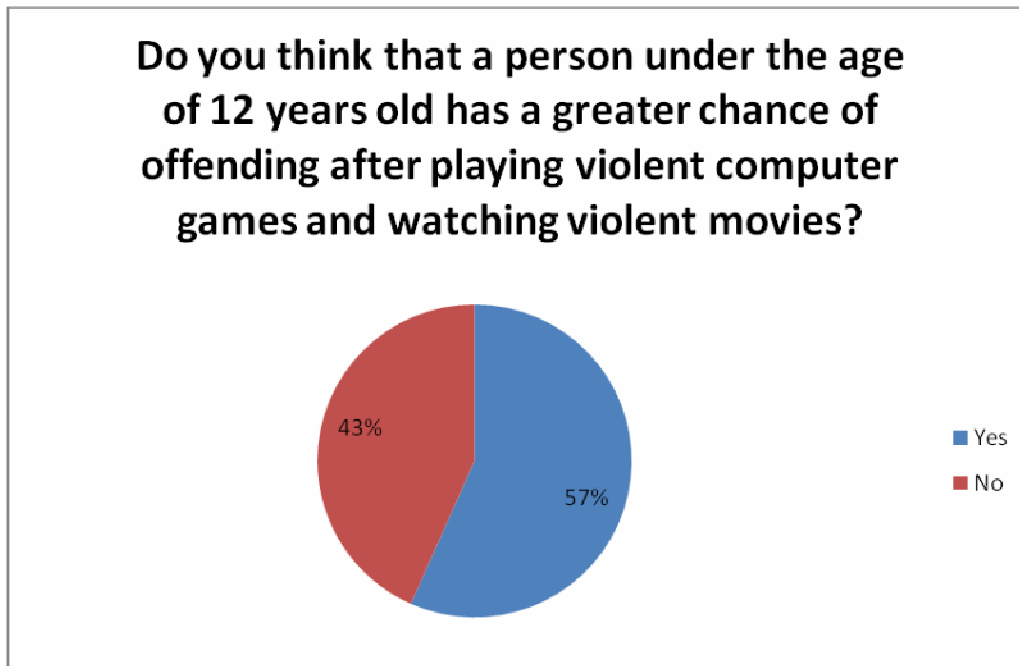
Figure 2 shows us that 90% of the people I questioned feel that raising the age of criminal responsibility is not necessary. The chart also shows us that although the majority feel that it's not necessary, 10% of the people I asked feel it should be changed. This tells me that although the majority of people are happy with the current age set, there are still people out there who feel that the issue needs to be looked at.

If we now look at both questions above, we can see that the results are related. This question resulted in the majority feeling that the age should not be raised and the previous questions tell us that the majority of people feel that people aged 12 and under know what a criminal act is. The results match up. If this question resulted in the majority saying yes to raising the age then I would be looking to question whether the data was accurate or not because the questionnaire wouldn't make much sense to me.



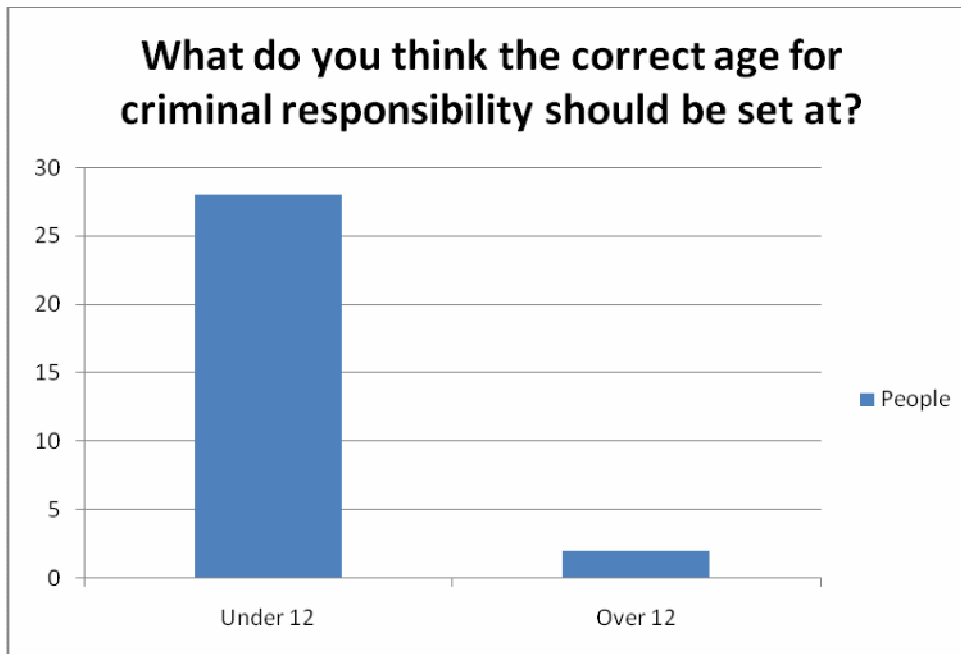
**Figure 3**

Figure 3 shows us that there is round about an equal divide of people who feel that parents of young children who commit offences should be held partly responsible for their actions. It's hard to say whether the majority feel it's a good idea or a bad idea as I only questioned 30 people so I would be hard pushed to make an assumption on either. To perhaps get a more accurate result I would have to question a much larger number of people.



**Figure 4**

Again, what we have here is results that do not show much of a difference. This tells me that the question of whether violent computer games and movies influence young children into committing offences is a much debated one. However, just like with the previous question we can see that one answer has received a slightly higher result. This could be because of the fact I only questioned 30 people so in order to receive a more accurate result, a survey with a lot more people must be carried out.



**Figure 5**

As we can see above, figure 5 clearly shows us that the majority of people feel that the correct age of criminal responsibility should be set at under 12 years of age. This question was perhaps a bit too broad. A better question could have stated a number of age ranges which would have given a better understanding of what each person questioned thought. However, we can see from the graph that the general feeling is that children aged under 12 are fully aware of what a criminal act is and that they should be held responsible for their actions and not be allowed to escape justice just because they are too young.

## **Bibliography**

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