

**ADVANCED GCE**

**CRITICAL THINKING**

Ethical Reasoning and Decision-Making

**F503/RB**

**RESOURCE BOOKLET**

To be issued with the question paper

**Thursday 9 June 2011**

**Afternoon**

**Duration: 1 hour 30 minutes**



**INSTRUCTIONS TO CANDIDATES**

- Use Documents 1, 2, 3 and 4 to answer the questions.

**INFORMATION FOR CANDIDATES**

- The information contained in the resource documents was accurate when this booklet went to press, but some details may have subsequently become out of date.
- This document consists of **8** pages. Any blank pages are indicated.

**INSTRUCTION TO EXAMS OFFICER/INVIGILATOR**

- Do not send this resource booklet for marking; it should be retained in the centre or destroyed.

**Document 1****Age of 'criminal responsibility'**

- Ten is the legal age of 'criminal responsibility'. Children under the age of 10 are not considered to have reached an age where they can be held responsible for their crimes. Because they are under the age of 'criminal responsibility', they can't be charged with any criminal offence.
- Courts have the power to place children under 10 in the care or under the supervision of the local authority.
- Until recently, children aged 10–14 could be convicted of a criminal offence only if it could be proved that they were aware that what they were doing was seriously wrong.
- After the age of 10, young people are considered to be fully responsible for their own actions – in the same way as an adult would. However, there are some differences in the type of punishment young offenders will receive.

*Source: Official websites*

## Document 2

### Too young to be a criminal

What do Turkey, Korea, Morocco, Uganda, Algeria, Uzbekistan, China, the Russian Federation and Egypt have in common? One is that they all have political regimes that most British people would find it intolerable to live under. Another is that the age of criminal responsibility in all these countries is *higher* than in England and Wales (currently age 10) and Scotland (eight). This should make us ask what age is too young to be classed as a criminal.

Looked at another way, at what age should a child be able to decide to get a tattoo on their arm? Some might feel that the current legal age of 18 is too high, but hardly anyone would argue that primary school children should be able to decide for themselves. Or what of the legal right to vote, currently set at 18? There is an ongoing debate about whether it should be lowered to 16. But would anyone seriously propose it should be lowered to 12, or possibly 10?

A young person cannot get married until they are 18, or 16 with the consent of their parents. As for sex, a young person has to be 16 before they can be said to have consented to sex. Anyone suggesting that a 10- or 12-year-old child might freely consent to sex would attract disapproving glances and disbelief. In some circumstances they might be reported to the police.

There are good reasons why Britain and other countries set minimum ages at which children and young people are allowed to make decisions without appropriate adult oversight and consent. It is related to judgments about a child's intellectual, emotional and mental maturity. No child should be placed in a position where they are making far-reaching decisions about their future without appropriate adult support, guidance and, in some circumstances, veto. Adults take responsibility for decisions affecting children and young people because they do not necessarily have the capacity to do so themselves.

According to the United Nations, the same principles should apply to the age of criminal responsibility. The UN guidelines state that the lower age of criminal responsibility "shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity". It goes on to argue that countries should "consider whether a child can live up to the moral and psychological components of criminal responsibility" and notes that if the age of criminal responsibility is set too low "the notion of responsibility would become meaningless". On this basis the *minimum* age of criminal responsibility in the UK should be 16. Probably it should be 18.

*Source: The Guardian*

## Document 3

### Youth Court

Recently, when I was serving as a magistrate in a youth court, the following case came up. A young boy, 9 years old, was being held in the care of the local authority. He ran away and lived rough for a week, committing various acts of theft and criminal damage, before being picked up by local police and brought back before the youth court.

He could hardly see over the witness box.

Having taken a plea from the boy and listened to his solicitor, the magistrates decided to withdraw to discuss the case. We knew there was nothing we could do other than return the boy once again into the care of the local authority, but felt we should give him a little time to think about things.

On returning to court, the magistrate in charge invited the boy back into the witness box, and started to speak to him about where his life was leading, pointing out that he would soon be old enough for the law to be applied, when he could face a sentence of a different kind.

The boy interrupted, saying, "Don't waste your \*\*\*\*\* time, missis. There's \*\*\*\*\* all you can do."

The boy was right, of course. We could not even expect an apology. He left court with a half-smile on his face, while we were left thinking about what the boy had said. He was right – we were wasting our time.

I think it would be crazy to raise the age of criminal responsibility. It would mean that even 17-year-olds would be able to avoid punishment on the grounds that they didn't know that they were doing wrong, and their solicitors would make sure that they did say that.

*Source: An ex-magistrate's personal recollection*

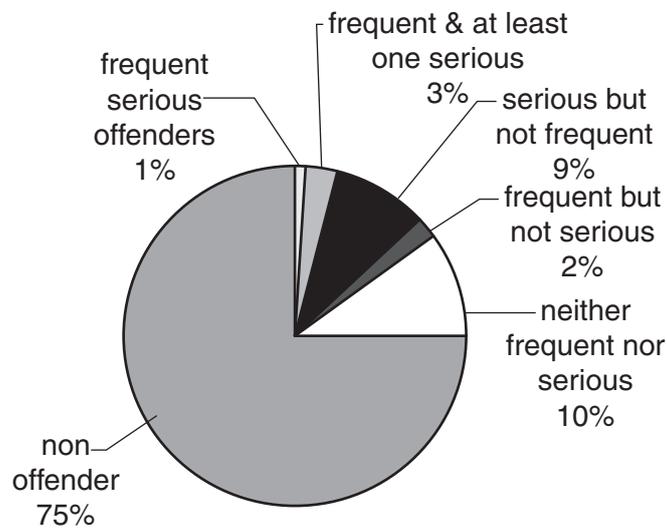
## Document 4

### Offending, Crime and Justice Survey (OCJS)

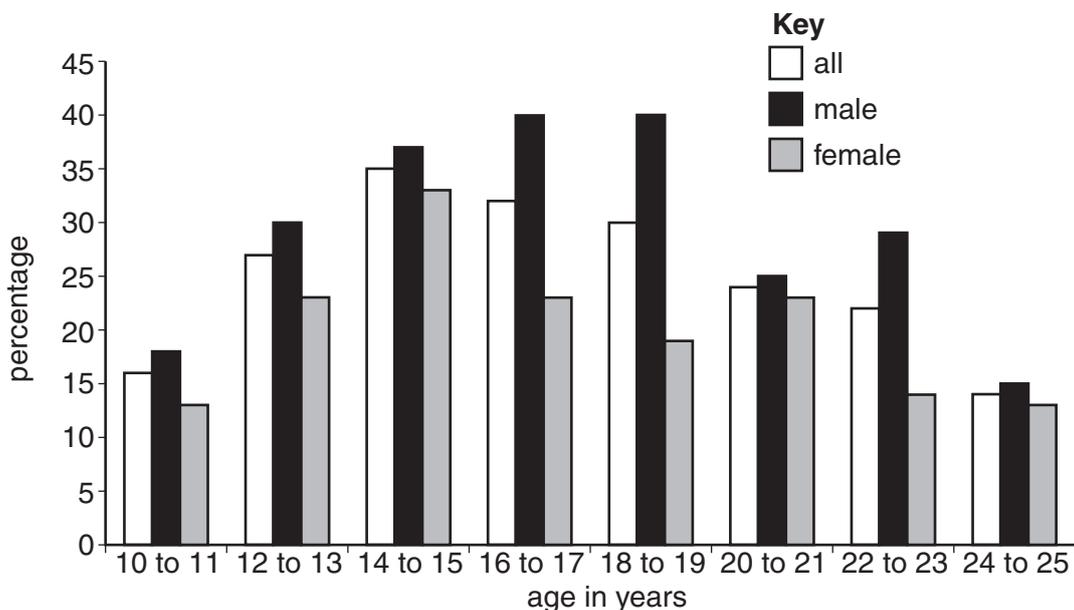
This report presents the first findings from the 2005 Offending, Crime and Justice Survey (OCJS). It focuses on levels and trends in youth offending, anti-social behaviour and victimisation among young people aged from 10 to 25 living in the general household population in England and Wales. The survey does not cover young people living in institutions, including prisons, or the homeless, and thus omits some high offending groups.

As a survey, these findings are based on asking a representative sample of young people about crimes they may have committed.

**Figure 1 Offending status of young people aged from 10 to 25, 2005 OCJS**



**Figure 2 Proportion of 10- to 25-year-olds committing an offence in last 12 months, by age, 2005 OCJS**



Source: Government Home Office Statistical Bulletin for England and Wales





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