



**The Michael Sieff Foundation**

Working together for children's welfare

## **1908 – 2008: The Children Act 100 years on *young defendants today***

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### **YOUTH COURT CENTENARY**

1833	Nicholas White, 9 years old, sentenced to death for theft of items worth two pence. Commuted to whipping and transportation.
1835	Royal Commission to look at if there should be any distinction in the trial between juveniles and adults.
1851	Mary Carpenter proposed reformatory schools, a range of different types of institutions.
1858	45 Reformatories holding 2,000 young people. 12 years later there were 65 holding 7,000
1872	Mary Carpenter opened an industrial school. Reformatories and industrial schools later became approved schools under the 1933 Children and Young Persons Act. Became community homes with education in the 1969 CYPA.
1881	First American Juvenile court in Chicago.
1895	Lushingham committee set up by Gladstone to examine reformatories and industrial schools – it questioned the wisdom of placing young people in institutions at all. At the time institutions held 24,000 young people. Lushingham wanted alternatives to incarceration – remedies for youth crime within the home and school.
1906	Reforming Liberal Government
1907	Probation of Offenders Act – established probation officers and their supervision of young people.
<b>1908</b>	<b>Children Act.</b> Barred under 14's from custody, only 14/15 year olds sent under unruly certificates. <b>Established Juvenile courts.</b> Power to hear all offences except murder. (Several cities had already introduced juvenile courts unofficially, Birmingham in 1905 for example)
1908	Prevention of Crime Act. Set up Borstal institutions for 16 – 20 year olds.

1913	Drop in numbers sent to institutions (19,000; further down to 8,000 by 1922) Children's branch established in the Home Office.
1918	Raise the school leaving age to 14.
1925	Malony committee pointed to the welfare/treatment direction. Welfare of the child primary object, this was included in the 1933 CYPA
1933	Children and Young Persons Act, the welfare principle established. Increase use of Borstal. Age of criminal responsibility raised from 7 to 8.
Mid 1930's	More emphasis on punishment. Magistrates Association (MA) wanted to retain young offenders detention between probation and borstal.
1937	Sir Samuel Hoare, Home Secretary, produced a Bill to end imprisonment for under 16 year olds etc. etc. Did not include short – term custodial sentences demanded by MA.
1939	Bill abandoned at the start of the war.
1945	Clamour for punishment.
1948	CJA. Detention centres (first opened in 1952). MA had pressed for this, then campaigned to extend across the country.
1960s	Rise of welfare/treatment.
1963	CYPA. Age of criminal responsibility raised to 10.
1964	Longford report. Kilbrandon report in Scotland. Children's hearings in Scotland.
1965	White Paper 'The Child the Family and the Young Offender'. Age of criminal responsibility to 16, family courts/councils. Virulent opposition from the MA!
1966	White Paper withdraw. (Roy Jenkins Home Secretary)
1967	'Children in Trouble' white Paper retained Juvenile courts – satisfied MA.
1969	Children and Young Persons Act. Age of criminal responsibility to 14. Care rather than criminal proceedings. Intermediate treatment.
1971	Incoming Conservative Government does not implement much of the Act.
1972	MA, AGM, howls of protest, calling for the review of the Act – more detention centres.
1973	MA call conference on the Act, asking for repeal of the Act.
1974	MA meet Home Secretary and Secretary of State for Social Services – ask for more institutions and more powers.
1975	MA found Government reaction 'disappointing and inadequate in failing to give juvenile courts the powers they need'.
1979	White paper 'Young Offenders'. Warm reception from MA
1982	CJA. Youth Custody replaced borstals. Criteria for custody, restricted custodial offences for young offenders

1984	Government makes £15 million available for alternatives to custody projects to support 'Intermediate Treatment' (IT), legislation.
1988	CJA 1988, further tightening of the 'criteria for custody', new non - custodial options; abolition of Detention Centres and Youth Custody, new sentence of detention in a Young Offender Institute.
1989	Children Act, abolished the 7(7) care order, split the juvenile court into two separate jurisdictions :Family Proceedings court (care proceedings) and Juvenile Court (renamed Youth Court in the 1991 CJA)
1991	CJA further restricted custodial sentences, the new Youth court was to include 17year olds.
1993	February James Bulger murder.
1994	CJPO Act introduced Secure Training Centres
1996	Audit Commission Report 'Misspent Youth' proposes more diversion from court.
1997	New Labour elected
1998	Crime and Disorder Act, introduced principle of prevention of re-offending; youth offending teams; creation of YJB; reprimands and final warnings; new community sentences.
1999	Youth Justice and Criminal Evidence Act introduces Referral Orders.
2003	Anti – Social Behaviour Act
2004	Audit Commission report 'Youth Justice 2004' says the youth justice system is in reasonable health, contact time between supervisor and young person could be improved. Found cost of YOI sentence was £51,000, STC £165,000 per year

**Produced by Chris Stanley**

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