

Crime and Policing Bill - House of Lords – Committee Stage (March 2026)

Age of Criminal Responsibility in England and Wales Joint Briefing in Support of Amendment 441

1. This briefing calls on peers to support amendment 441 in the names of Baroness Chakrabarti, The Lord Bishop of Manchester, Baroness Butler-Sloss and Lord Burnett of Maldon:

After Clause 213, insert the following Clause—

“Age of criminal responsibility

In section 50 of the Children and Young Persons Act 1933, for “ten” substitute “12”.

Member’s explanatory statement

This new clause would raise the age of criminal responsibility in England and Wales from ten to 12 years so that no child under that age could be tried for or convicted of a criminal offence.

2. This amendment would **raise the age of criminal responsibility in England and Wales from ten to 12 years so that no child under that age could be tried for or convicted of a criminal offence.**
3. The age of criminal responsibility in England and Wales is 10 years old.¹ This means that children between the ages of 10 and 17 can be charged, tried, and convicted with a criminal offence. This is one of the lowest ages of criminal responsibility when compared to other European jurisdictions² (see figure 1), is substantially misaligned with international standards³ and is inconsistent with protections afforded to children under civil law in England and Wales⁴.

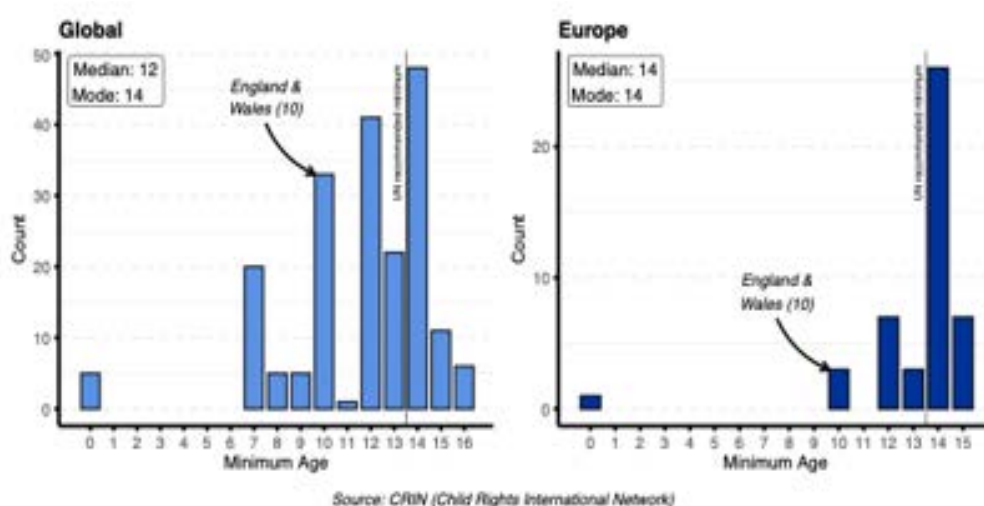


Figure 1: Histograms of the global (left plot), and European (right plot) distributions of the minimum age of criminal responsibility. The United Nations Committee on the Rights of the Child recommended minimum of fourteen is annotated plots. England and Wales sit below both the global and European medians of twelve and fourteen respectively.

¹ [Children and Young Persons Act 1933](#), section 50

² Child Rights International Network, [Minimum Ages of Criminal Responsibility in Europe](#), 2025

³ England & Wales are a signee of the UN Convention on Rights of a Child. Whilst the Convention does not specify what the minimum age of criminal responsibility should be, the Committee on the Rights of the Child completed a report on the United Kingdom in June 2023 where they recommended raising the minimum age to 14; see United Nations, [‘Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland’](#), 2023, p.20

⁴ See for example, [The Children Act 1989](#), s.105, which defines a child as a person under the age of 18, and thus affords certain protections to the person

International comparators

4. In England and Wales, proven offences by children fell from 90,768 in the year ending March 2014 to 35,624 in the year ending March 2024, with just 244 offences, only 0.6%, committed by 10-11-year-olds.⁵
5. The United Nations Committee on the Rights of the Child (“**UNCRC**”) is clear that a minimum age of criminal responsibility below the age of 12 years old is internationally unacceptable.⁶ This is because “States should set as high a minimum age of criminal responsibility as possible bearing in mind the emotional, mental and intellectual maturity of children”.⁷ The UNCRC encourages states to introduce a higher minimum age of criminal responsibility, to at least 14 years old.⁸ In 2023, the UNCRC directly recommended that the UK raise the minimum age of criminal responsibility to meet that standard.⁹
6. Figure 1 shows a global median minimum age of criminal responsibility of 12, and a European median of 14. States with a greater age of criminal responsibility than England & Wales include Afghanistan, Hungary, Saudi Arabia, Haiti, Belarus, North Korea, and Russia.¹⁰
7. An age of criminal responsibility of 10 years old conflicts with key civil rights in the UK.¹¹ Punitive policies targeting children are shown to widen the net, pulling more young people into the justice system - an issue that is particularly acute when the minimum age of criminal responsibility is so low.¹² Research indicates that those facing the greatest childhood adversity are most likely to offend beyond 18 and this is associated with further adversity in adulthood.¹³ There is strong evidence in countries such as Norway, Finland and the Netherlands that taking a welfare-based approach to children who commit criminal acts, rather than placing them in the criminal justice system, can be far more effective at reducing reoffending.¹⁴
8. In 2021, Scotland raised the age of criminal responsibility from 8 to 12 years old by the Age of Criminal Responsibility (Scotland) Act 2019 (the “**ACR(S) Act 2019**”).¹⁵ The Edinburgh Study of Youth Transitions and Crime - which tracked 4,300 twelve-year-olds over 20 years - provided key evidence which informed the ACR(S) Act 2019 about how the criminalisation of young people increases the risk of repeat offending and leads to entrenchment within the criminal justice system through to adulthood.¹⁶
9. A report on the review of the ACR(S) Act 2019 noted low figures for crimes committed by children under the age of 12, indicating that raising the age of criminal responsibility from 8 to 12 is impactful in decriminalising children.¹⁷

⁵ Ministry of Justice, ‘[Youth Justice Statistics: Proven offences by children by offence type, year ending March 2024](#)’, 2024

⁶ [justice-for-children-briefing-4-v6-web_0.pdf](#)

⁷ Penal Reform International, ‘[Justice for Children Briefing: The minimum age of criminal responsibility](#)’

⁸ Ibid.

⁹ https://justiceorg-my.sharepoint.com/personal/lkitmitto_justice_org_uk/Documents/G2311277.pdf see (n 4)

¹⁰ Child Rights International Network [Minimum ages of criminal responsibility around the world](#), 2025

¹¹ Parliamentary Office of Science & Technology, ‘[Age of Criminal Responsibility](#)’, 2018, p.1

¹² Current Issues in Criminal Justice, ‘[Raising the minimum age of criminal responsibility: lessons from the Scottish experience](#)’, 2023

¹³ Ibid, pp.396, 399

¹⁴ QPOL, ‘[Raising the Minimum Age of Criminal Responsibility - Queen's Policy Engagement](#)’, 2025

¹⁵ [Age of Criminal Responsibility \(Scotland\) Act 2019, s.1](#) – implemented 17 Dec 2021

¹⁶ UK Research and Innovation, ‘[Research led to Scotland raising criminal responsibility to age 12](#)’, 2019

¹⁷ Social work Scotland, ‘[The Report from the Age-of-Criminal-Responsibility-Advisory-Group-on-the-review-of-the-Age-of-Criminal-Responsibility-Scotland](#)’, 2024

10. Concerns about harmful behaviour by children under the age of 12 are addressed through referral to the Children's Hearing System which focuses on providing support rather than punishment.¹⁸ Under the ACR(S) Act 2019, police can also investigate serious incidents and remove a child under 12 to a place of safety if their behaviour poses harm to others.¹⁹
11. Police have raised concerns that if there is a move away from a criminal justice response to breaches of the law by exploited children, this could paradoxically put further children at risk.²⁰ We disagree and instead consider that reforms to the age of criminal responsibility should go hand in hand with a focus on both safeguarding children at risk and prosecuting the adults who exploit them. Recognising the vulnerabilities and needs of children at risk of criminal exploitation is central to providing a more appropriate form of justice that recognises the child's circumstances.²¹ If children are exploited for the purposes of adults committing crime, appropriate protection should be provided to them, as victims, while the adults responsible should be prosecuted.²² Notably concerns about potential perverse incentives from raising the age of responsibility have not materialised in Scotland following the increase of age of criminal responsibility to 12.²³
12. We agree with Baroness Brown of Silvertown's 2022 report; which found a sense *"among several stakeholders that raising the age of criminal responsibility would have a positive impact in fostering a broader culture change in treating more child criminal exploitation victims as victims"*.²⁴ Action for Children highlighted that in practice many young people who they work with *"aren't exploited because they avoid prosecution due to their age"* and in fact the common age range for exploitation is 15-18 years old.²⁵
13. Scotland's 'Whole System Approach'²⁶ invests in services and support, including youth work, educational outreach and restorative practices. This enables preventative intervention and diversion away from formal systems of justice rather than charging children who come into conflict with the law. The police also work with relevant agencies to provide timely and appropriate interventions to address behaviours brought to the attention of police, demonstrating the efficacy of early intervention.²⁷ This may include no further action, welfare-based intervention through the Children's Hearing System, or diversion where appropriate.²⁸ Such approach has seen a *"dramatic drop in young people entering the Children's Hearing System, adult courts, and custodial establishments"*²⁹ and a *"very low level of serious harmful incidents"* committed by children.³⁰
14. Raising the age of criminal responsibility to 12 would protect children from early criminalisation and enable a more rehabilitative approach, using existing strategies like diversion, restorative

¹⁸ Rutherford Sheridan, '[Children's Hearing System In Scotland](#)', 2026

¹⁹ [Age of Criminal Responsibility \(Scotland\) Act 2019 - Explanatory Notes](#)

²⁰ Lyn Brown, '[Combating Child Criminal Exploitation](#)', 2022

²¹ Ibid.

²² Penal Reform International, '[Justice for Children Briefing: The minimum age of criminal responsibility](#)', 2013

²³ Social work Scotland, '[The-Report-from-the-Age-of-Criminal-Responsibility-Advisory-Group-on-the-review-of-the-Age-of-Criminal-Responsibility-Scotland](#)', 2024

²⁴ Lyn Brown, '[Combating Child Criminal Exploitation](#)', 2022

²⁵ Ibid. Many of whom end up in the criminal justice system

²⁶ [Whole system approach to young offending - Youth justice - gov.scot](#) – underpinned by [Getting it right for every child \(GIRFEC\) - gov.scot](#)

²⁷ [A Guide to Youth Justice in Scotland: policy, practice and legislation](#)

²⁸ Ibid.

²⁹ Current issues in Criminal Justice, '[Raising the minimum age of criminal responsibility: lessons from the Scottish experience](#)', 2023; Scottish Government, '[Justice for children and young people: vision and priorities 2024-26](#)' (2024) e.g. in 2024 the Scottish Government reported that between 2008-09 to 2021-22, there was a 92% reduction in the number of children and young people prosecuted in Scotland's courts and a 97% reduction in 16 and 17 year olds being sentenced to custody.²⁹

³⁰ Social work Scotland, '[The-Report-from-the-Age-of-Criminal-Responsibility-Advisory-Group-on-the-review-of-the-Age-of-Criminal-Responsibility-Scotland](#)', (2024), p.9

justice, and intensive support to prioritise prevention and reintegration over punishment.³¹ Additionally, aligning with recommendations from the Commission on Justice in Wales, Lord Thomas' comprehensive 2019 review of the justice system in Wales, which called for the age of responsibility to be “*raised to at least 12*”.³²

Welfare

15. Exposure to the criminal justice system has been found to cause harm to children and limit their chances of becoming responsible adults.³³ There is widespread agreement amongst national government departments and practitioners within police forces and youth justice stakeholders about the importance of avoiding unnecessary criminalisation and promoting child-centred justice, yet the current approach to children in the justice system in England and Wales has been found to be fragmented and inconsistent.³⁴
16. An approach to children which prioritises care, protection and diversion from the criminal justice system can address emotional and mental health issues without criminalising the child or putting an already vulnerable child through the justice system.³⁵ According to the Children's Commissioner for Wales, adopting an approach that better identifies complex behaviours early on, with strengthened preventative and early intervention services, would be “*a far more effective way of supporting a child or young person rather than their entering the criminal justice system*”.³⁶
17. Children should be helped to understand the impact of their behaviour through non-criminal justice interventions, such as community development, universal family support and early intervention and prevention services.³⁷ Raising the minimum age of criminal responsibility is a crucial step in advancing a welfare-based approach that interrupts the cycle of offending before it begins, ultimately protecting both vulnerable children and the wider public.

Neurodevelopment

18. The Crime and Disorder Act 1998 removed the presumption that children under 14 were incapable of wrongdoing under *doli incapax*, without any reference to neuroscientific evidence.³⁸ Since then, advances in both brain imaging and large longitudinal cohort studies offer substantial contemporary evidence that evidenced ‘early adolescence,’ between 10 and 14 years old, is a critical and transformative period of brain and mind development.³⁹
19. Structurally in this period, the brain is seen to mature substantially, via a multitude of puberty driven developmental processes.⁴⁰ Most pertinently, the maturation of the brain's frontal lobes improves the speed and efficiency of the specific facets of cognition produced by these areas.⁴¹

³¹ Youth Justice Board, “[The Youth Justice Board strategy for delivering positive outcomes for children by reducing offending and creating safer communities' 2024-2027, 2024](#)”

³² The Commission on Justice in Wales, [Justice In Wales For The People Of Wales](#) (2019).

³³ United Nations, Convention on the Rights of the Child, “[General comment No. 24 \(2019\) on children's rights in the child justice system](#)” (2019)

³⁴ [The effectiveness of diverting children from the criminal justice system: meeting needs, ensuring safety, and preventing reoffending – HM Inspectorate of Probation](#)

³⁵ Children's Law Centre, “[10 Reasons Why 10 Is Too Young](#)” (2022)

³⁶ The Commission on Justice in Wales, [Justice In Wales For The People Of Wales](#) (2019), p. 203.

³⁷ Ibid.

³⁸ Paul Catley, Lisa Claydon, [The use of neuroscientific evidence in the courtroom by those accused of criminal offenses in England and Wales](#), *Journal of Law and the Biosciences*, Volume 2, Issue 3, November 2015, Pages 510–549,

³⁹ Bethlehem, R.A.I., Seidlitz, J., White, S.R. *et al.* [Brain charts for the human lifespan](#). *Nature* **604**, 525–533 (2022).

⁴⁰ Blakemore, S. J., Burnett, S., & Dahl, R. E. (2010). [The role of puberty in the developing adolescent brain](#). *Human brain mapping*, 31(6), 926–933.

⁴¹ Kolk, S.M., Rakic, P. [Development of prefrontal cortex](#). *Neuropsychopharmacol.* **47**, 41–57 (2022).

These higher cognitive functions; planning, inhibition, weighing-up evidence, and judgement, are all fundamental to decision making, criminal or otherwise.⁴²

20. Intertwined with these biological changes, the period is the seat of the bulk of one's psychological and moral development. Tested facets of this include a sense of self, required for the autonomous, intent-based choices the criminal law depends on,⁴³ and understanding motivations and mental states, integral to making decisions involving others. Both appear to improve substantially in early adolescence and beyond into late adolescence.⁴⁴
21. Brain development is non-uniform across its regions, leading to what many term a maturity gap.⁴⁵ This effect may account for risk taking behaviour, in addition to apparent maturity in motor skills or numeracy, in an adolescent not yet capable of mature decision making. Setting the age of criminal responsibility to 12, would ensure that in most cases, a substantial proportion of neurodevelopment can be said to have occurred.

⁴² Friedman, N.P., Robbins, T.W. [The role of prefrontal cortex in cognitive control and executive function](#). *Neuropsychopharmacol.* **47**, 72–89 (2022).

⁴³ Pfeifer, J. H., & Berkman, E. T. (2018). [The Development of Self and Identity in Adolescence: Neural Evidence and Implications for a Value-Based Choice Perspective on Motivated Behavior](#). *Child development perspectives*, 12(3), 158–164.

⁴⁴ Blakemore SJ, Mills KL. [Is adolescence a sensitive period for sociocultural processing?](#) *Annu Rev Psychol.* 2014;65:187-207. doi: 10.1146/annurev-psych-010213-115202. Epub 2013 Sep 6. PMID: 24016274.

⁴⁵ Icenogle, G., Steinberg, L., Duell, N., Chein, J., Chang, L., Chaudhary, N., Di Giunta, L., Dodge, K. A., Fanti, K. A., Lansford, J. E., Oburu, P., Pastorelli, C., Skinner, A. T., Sorbring, E., Tapanya, S., Uribe Tirado, L. M., Alampay, L. P., Al-Hassan, S. M., Takash, H. M. S., & Bacchini, D. (2019). [Adolescents' cognitive capacity reaches adult levels prior to their psychosocial maturity: Evidence for a "maturity gap" in a multinational, cross-sectional sample](#). *Law and human behavior*, 43(1), 69–85.