

1947

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### Recommended Citation

Basil L. Q. Henriques, Children's Courts in England, 37 J. Crim. L. & Criminology 295 (1946-1947)

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# CHILDREN'S COURTS IN ENGLAND

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## *Types of Cases and Procedure*

There are two types of cases which appear before the Juvenile Courts in England: those of children or young persons who have been accused of committing offenses, and those of children or young persons who are said to be beyond the control of their parents or in need of care or protection. In this latter type the children themselves may be completely innocent, the victims of parents who may have ill treated or neglected them or who have allowed them to live in circumstances which expose them to moral danger; or else they (especially girls) may be in moral danger through their own wilful behavior.

Whether the case be one of delinquency or of care or protection or of beyond-control, it has to be proved, beyond any doubt, in accordance with the evidence given. If there is the slightest doubt about the innocence of the defendant or if the evidence given is inadequate, the case must be dismissed, even though in the minds of the Bench it would be for the benefit of the defendant to be dealt with by the Court.

The Juvenile Court is a Court of Law and though the words used are modified so as to be easily understood by children, the procedure in proving a case is exactly the same as that of an adult Court. The Court should be held in some other place than the adult Court, but where this is not possible, it may not be at the same time as the adult Court. England's large cities have their own specially built Courts or else the proceedings take place in the Town Hall or some suitable Social Center. The general public is not permitted to be present, but the press always has the right to be there, although when reporting a case they are not allowed to mention the name of the defendant nor may the juvenile be described in such a way that he can be identified.

All the work of the Juvenile Courts is done by voluntary Justices of the Peace. In London the Panel of Justices is chosen by Britain's Home Secretary and the Chairmen are appointed by him. Outside London the magistrates elect their own panel and their own chairman. The Bench consists of three magistrates, one of whom must be a woman.

The age of criminal responsibility is eight, and for indictable offenses the Court deals with boys and girls between the ages of eight and 17, those over 14 being termed "young persons." For care and protection or beyond-control cases the age

ranges from birth to 17. All those who are over the age of 14 and who are charged with indictable offenses have the right to be tried by a jury, but it is seldom that they take advantage of this, and practically all the cases are tried in the Juvenile Court.

If there is a plea of not guilty, the evidence of the police, who may or may not be in uniform, and of the other witnesses, has to be given with exactly the same scrupulous compliance with the laws of evidence as if it were given in the adult Court. As a rule the children and young persons are not defended by Counsel, although they have the right to be represented, and the Court can aid them financially for this in cases of delinquency, if they so desire.

It is the duty of the Bench to help them in every way it can to examine and cross-examine the witnesses. After the case for the prosecution has been heard, the defendant is told that he may call any witnesses, and that, if he desires, he can tell his own story to the Court, and that he can do this either by making a statement without taking the oath, when he cannot be asked questions, or else by taking the oath when the truth of his statements can be tested by cross-examination. There is the right to appeal to Quarter Sessions against the finding of the Court or to the King's Bench Division on a point of law, and the Bench may grant legal aid for this.

After the case has been proved, the Court inquires from the Education Officer what is known about the defendant; his previous offenses, if any; his school record, and the Head Teacher's report; and a bare outline of the family circumstances. If the offense is of a trivial nature and what is known of the defendant is satisfactory, the case can be dismissed under the Probation of Offenders Act at the first hearing. But generally a remand, either on bail or in custody in a Remand Home, is asked for, during which a full report from the probation officer is drawn up and, when considered desirable, a report from the psychiatrist is obtained. Only after the careful study of these reports and of any other information that can be obtained does the Court decide upon treatment.

#### *Treatment*

Besides dismissing the case under the Probation of Offenders Act, the Court has power to fine the defendant, and when the parents are considered to be to blame, it may order the parents to pay the fine. It can also bind the parents over to give surety for his good behavior for a period not exceeding three years.

Where the children are innocent and the home is thoroughly bad, the Court has power to commit the child to the care of

the Local Authority or any other fit person who will board him out with foster parents until the age of 18. Parents always have the right to summon the Local Authority for a revocation of the order, should the home circumstances improve.

The most common practice is to bind the defendant over for a period not exceeding three years and, with the consent of the defendant, to place him under the supervision of a Probation Officer. It is the duty of the Court to have conferences with the Probation Officer during the period of supervision, so as to learn whether the boy or girl is responding to this treatment. Probation requires a great deal of intensive individual work on the part of the Probation Officers, and it is considered that they cannot take on satisfactorily a case load of more than 40 to 50 children. Conditions may be inserted in the Probation Order, the most important of which is as to where the child shall reside. In this way arrangements can be made for him to be boarded out in a foster home or in a hostel, the Home Office contributing towards his maintenance there.

If probation fails or if the character of the child or young person is such that on the first appearance it seems desirable to give him a long period of residential training, the Court may commit a child or young person to an Approved School for a period of three years or if under 12 until the age of 15. The actual amount of time spent in an Approved School depends upon the School Managers and the Home Office, who may license him before the expiration of the full period. He is always under supervision for at least a year after leaving school, and the license may be revoked at any time during this period.

On the whole the percentage of success from Approved Schools has been high. They are maintained partly by the Home Office and partly by the Local Authorities, and they are run by a voluntary committee of managers who are responsible for the good tone of the school, which is under constant inspection by the Home Office. There are a very large number of schools: they vary in character, ranging in size from 20 to 150 pupils. Every effort is made to find the type of school best suited for the particular child or young person. A great deal of freedom exists in the schools, which today bear little resemblance to the old Reformatory Schools. If a young person over 16 absconds or if, when he appears before the Court, his history shows that he has criminal tendencies, he may be sent to Quarter Sessions with a recommendation for committal to Borstal for a period not exceeding three years.

The Court has power to order corporal punishment for those who have committed indictable offenses under the age of 14. This form of treatment, however, is practically never used, for it has been proved not to be satisfactory, in so far as the in-

fiction of the punishment is bound to take place so long after the commitment of the offense.

The child can be committed to the Remand Home for 28 days as a place of punishment. As there is no supervision after leaving the Remand Home this, too, has not been found to be satisfactory. A young person may be sent to prison for three months — a course seldom adopted.

### *Effects of War*

It is true that during the first two years of World War II there was a very large increase in juvenile delinquency, but considering the war conditions of the past six years the present figures give no cause for alarm whatever. The Courts are today faced with serious problems which have arisen out of the war, the most important of which is the effect of the interrupted education due to evacuation. Many of the children went backwards and forwards to reception areas, being recalled home when there were no blitzes, and sent back again as soon as the blitzes re-started. Thus an enormous number of children are mentally retarded and undisciplined.

One of the greatest tragedies is that many children who remained in the reception areas throughout the war have now come home to find themselves strangers to their own parents. Many who have been in happy billets crave to return to the country, whilst there are parents who, having got used to being without their children, find them a nuisance now that they have come back to them. On the other hand the night life in the public shelters has had a deleterious effect on those who remained in the blitzed cities.

The absence on service of the fathers, and especially of the elder brothers, has resulted in a great lack of discipline among the younger members of the family, and this has been aggravated by the mothers being over-harassed through anxiety about the absent members of her family, her tiredness in waiting long hours in queues in order to get provisions, and her worries about clothing and food rationing. All of this, together with her constant fear of bombs, has made her less patient.

The temptation to break into shops and warehouses in the blackout at a time when police supervision was at a minimum has been very great. The opportunity for stealing and looting from bombed and insecure premises has been enormous. Even today, when shop windows have not been properly repaired and such a very great number of premises have been damaged, it is extremely easy to break in and steal. The emotional upheaval in girls who have felt a sense of insecurity due to the war has been especially noticeable.

The problem of the broken home, due to the infidelity of

one or other parent, or to the estrangement between the parents, which has come about during the long absences from home, has, and will have a very marked effect upon the whole problem of delinquency, for it has always been the unhappy child from the broken home who has appeared in the Courts. The fearful shortage of houses means that parents find it difficult to build up a satisfactory home life for their children. The absence of youth leaders on active service has meant that many of the Youth Movements have had to curtail their activities, with the result that the leisure-time occupation of young people has not been satisfactorily dealt with and, having nothing better to do, they have committed offenses.

Those who appear before the Juvenile Courts seem to fall roughly into three categories. They are there either because there are not sufficient outlets for the natural spirit of adventure among boys which they would normally find in the Youth Organizations; or else because the home environment is so unsatisfactory as to make it extremely difficult for them to grow up healthy in either mind or body; or because they present psychopathic problems, which may or may not be due to the war. With the improvement of housing, the expansion of youth work, and the provision of more child guidance clinics, the outlook for the future, though it will present for several years most difficult problems, is by no means unhopeful.

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