

Agenda – Children, Young People and Education Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 12 June 2019

Meeting time: 09.15

For further information contact:

Llinos Madeley

Committee Clerk

0300 200 6565

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Private Pre-meeting

(09.15 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill – evidence session 12

(09.30 – 10.30)

(Pages 1 – 24)

Julie Morgan AM, Deputy Minister for Health and Social Services

Karen Cornish, Deputy Director – Children & Families Division

Emma Gammon, Lawyer

Attached Documents:

Research Brief

3 Papers to note

(10.30)



- 3.1 Letter from the Deputy Minister for Health and Social Services – additional information following the evidence session on 2 May for the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill**
- (Pages 25 – 29)

Attached Documents:

CYPE(5)-18-19 – Paper to note 1

- 3.2 Letter from the Deputy Minister for Health and Social Services – CAFASS Cymru's response on specific points in relation to the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill**
- (Pages 30 – 33)

Attached Documents:

CYPE(5)-18-19 – Paper to note 2

- 3.3 Letter from the Deputy Minister for Health and Social Services – Research report on public awareness and opinion of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill**
- (Pages 34 – 66)

Attached Documents:

CYPE(5)-18-19 – Paper to note 3

- 4 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting.**
- (10:30)

- 5 Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill – consideration of the evidence**
- (10.30 – 10.40)

Break

(10.40 – 10.50)

6 Inquiry into School Funding – Consideration of the draft report

(10.50 – 11.50)

(Pages 67 – 177)

Attached Documents:

School Funding – Draft Report

7 Consideration of the Committee's Forward Work Programme

(11.50 – 12.30)

(Pages 178 – 209)

Attached Documents:

CYPE(5)-18-19 – Paper 1 – Forward work programme

CYPE(5)-18-19 – Paper 1 – Annex A – Scoping paper: Children's Rights Measure

CYPE(5)-18-19 – Paper 1 – Annex B – Scoping paper: EOTAS and PRU

CYPE(5)-18-19 – Paper 1 – Annex C – Indicative committee timetable

Document is Restricted

CYPE(5)-18-19 - Paper to note 1

Julie Morgan AC/AM
Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol Deputy Minister for Health and Social
Services

Our ref: MAL JM 405/19

Lynne Neagle AM
Chair
Children, Young People and Education Committee

Llyr Gruffydd AM
Chair
Finance Committee

National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

31 May 2019

Dear Lynne and Llyr,

I would like to thank the Children, Young People and Education Committee and the Finance Committee for their scrutiny of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill to date.

As the action from each Committee related to providing further detail relating to the police data used in the Regulatory Impact Assessment, I am providing a single response which covers both Committees' actions.

I trust the Committees will find the information provided in the Annex to this letter helpful during your continued scrutiny of the Bill.

A copy of my letter is also being sent to the Chair, Mick Antoniw AM, Chair Constitutional and Legislative Affairs Committee.

Yours Sincerely



Julie Morgan AC/AM
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Service

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

ANNEX

- ***The Deputy Minister agreed to provide further clarification on whether the Explanatory Memorandum's estimated 274 cases of reasonable punishment reported to the police in Wales per year included smacking only, or smacking as part of a wider range of behaviours.***

At the request of the Welsh Government, the Police Liaison Unit conducted an audit of recorded crime offences relating to Common Assault and Cruelty to Children. These relate to crimes recorded in the four Welsh police forces' areas. The methodology used by the Police Liaison Unit is set out in Annex 7 of the Explanatory Memorandum. Police forces in England and Wales comply solely with the Home Office Counting Rules for Recorded Crime (HOC).

The dataset focused on:

- Recorded Common Assault (HOC 105/1) where no injury occurs, (the defence of reasonable punishment does not hold where injury is evident);
- Recorded Cruelty to Children offences (HOC 11/3) as assaults on children can appear as 'hidden crimes' during an investigation.

A search was made of the data for incidents against children with the words:

- Smacking;
- Slapping;
- Hitting;
- Parental control;
- Chastisement; and
- Punishment

Through discussion with the Police Liaison Unit we understand the figure of 274 cases of reasonable punishment may, in some cases, not have been isolated to incidences of physical punishment but could also be part of a wider set of issues such as neglect and abuse.

- ***The CYPE Committee asked for a more detailed note on the differences between the figures cited in the Explanatory Memorandum from New Zealand on prosecutions under similar legislation, and estimates from Wales's Police Liaison Unit based on unpublished data.***
- ***The Deputy Minister agreed to provide the Finance Committee with further information on how the number of cases of reasonable punishment reported to the police was estimated and how this links to the number of prosecutions in Wales each year.***

The figures cited in the Explanatory Memorandum from New Zealand have been used to estimate the potential number of *prosecutions* which could occur in Wales if the legislation is enacted. Prosecution is where an individual is charged and the case is tried in court.

The data from the police has been used to provide an estimate of the number of cases the police may need to *investigate* if the Bill is enacted. While we have been able to work with the police forces to identify the best possible data on numbers of offences which relate to parental physical punishment, this does not translate into likely numbers of cases which would proceed to court. This is because most would be resolved before reaching that stage. The police and Crown Prosecution Service balance factors for and against prosecution very carefully. They consider the evidence and what is in the public interest and this will include what is in the best interests of the child. Some cases may result in the police taking 'no further action'. In other cases an offence might be dealt with through an out of court disposal which may be offered by the police.

The data collected by the New Zealand police was specifically for the purpose of monitoring the impact of the change in the law, and included specific data on number of prosecutions. We have therefore used the New Zealand data as a proxy to estimate the potential number of prosecutions if the law changes in Wales.

Further detail about how these figures were developed is set out in the Explanatory Memorandum. I also referred to these figures in my letter to the Committee on 25 April.

New Zealand data on prosecutions

In New Zealand, The Crimes (Substituted Section 59) Amendment Act 2007 came into force on 22 June 2007. Its purpose was to abolish the use of parental force for the purpose of correction.

In New Zealand the police service published data about the numbers of cases reported to them in the three months before and five years after the law changed.

In the absence of any other reliable data to make estimates of the number of prosecutions that might occur in Wales as a result of the legislation, the police data from New Zealand has been used as a proxy to provide an estimate of the potential numbers of cases prosecuted in Wales in the five years following commencement. A justice impact assessment was developed in consultation with the Ministry of Justice. This included an estimate of costs to the justice system using the New Zealand data as a proxy. This approach was agreed with the Ministry of Justice.

While there are similarities between Wales and New Zealand, with both jurisdictions based on common law, there are also a number of differences, which need to be taken into consideration. These include:

- Differences between the Legislation in New Zealand and what is proposed in Wales;

- Law enforcement in New Zealand is distinct to that in Wales;
- Age of child covered by the legislation;
- Population differences; and
- Parenting support and awareness raising about the legislation.

In the five years of the review period, there were eight prosecutions for ‘smacking’ and 55 for ‘minor acts of physical discipline’, so 63 prosecutions in total in New Zealand. Due to differences in population sizes between Wales and New Zealand we have therefore, estimated 37 or 38 prosecutions over a five year period in Wales.

In New Zealand there was no specific educational and media campaign to explain the law change. In Wales we have made a commitment to raise awareness about the change in the law (if passed) and would, therefore, anticipate that the number of cases proceeding to prosecution would reduce over time.

This is explained further on pages 8-9 of the Justice Impact Assessment, and in chapter 8 of the Explanatory Memorandum.

Police data on investigations

The four police forces in Wales, in coordination with the Police Liaison Unit, conducted a retrospective audit of recorded crime offences relating to Common Assault and Cruelty to Children covering a period of 19 months (April 2017- December 2018). The police filtered the information using the specific terms set out above, where the offender was an adult and the victim a child, and the age gap between the two was greater than 3 years.

The police manually analysed a sample of the results to determine which proportion related to reasonable punishment, and identified that one in seven/eight did, depending on the specific police force. The police identified a sample size for review large enough to provide 90% confidence in their estimate that 274 crimes identified by the search would relate to physical punishment. This estimate would be subject to a small margin of error (± 25 crimes).

The potential scale of increase was calculated by reference to the New Zealand data, on the basis that incidents categorised in New Zealand as ‘smacking’ or ‘minor acts of physical discipline’ would most likely equate to offences at the level of ‘reasonable punishment’ in Wales. The table in chapter 8 (headed Police) of the Explanatory Memorandum explains that, on average, such incidents occurred twice as frequently in the five years following commencement of the legislation in New Zealand. An average increase has been used as reporting periods in New Zealand were not uniform over the five year reporting period.

Through the Implementation Group further work will take place with the police, and other key stakeholders, to agree the approach to data collection pre and post the change in the law (if the Bill is passed) with the intention of developing the baseline and future monitoring requirements.

Agenda Item 3.2

CYPE(5)-18-19 - Paper to note 2

Julie Morgan AC/AM
Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol Deputy Minister for Health and Social
Services



Llywodraeth Cymru
Welsh Government

Our ref MA-L/JM/0457/19

Lynne Neagle AM
Chair
Children, Young People and Education Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
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4 June 2019

Dear Lynne,

Thank you for your letter of 20 May, which requested Cafcass Cymru's written response on specific points of interest in relation to the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill.

I trust the Committee will find the information provided in the Annex to this letter helpful. I look forward to further discussing with the Committee how the Bill will protect children's rights on 12 June.

Yours sincerely



Julie Morgan AC/AM
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Services

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Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

ANNEX

1. The Bill's development

Please can you provide details of CAF/CASS Cymru's involvement to date in the Bill's development.

Cafcass Cymru is a Directorate within the Health and Social Services Group of the Welsh Government. Cafcass Cymru officials have worked with relevant officials from the Children and Families Division in Welsh Government through various stages of the Bill's development. Its views are summarised and reflected through the Bill documentation, particularly the Explanatory Memorandum and the letter dated 25 April I sent to you (Ref MA-L/JM/0382/19), in addition to evidence provided to the Finance Committee.

2. Resource and capacity

Please can you provide CAF/CASS Cymru's views on the following references to CAF/CASS in the Bill's Explanatory Memorandum, to include an indication of whether CAF/CASS is satisfied that it has the resources and capacity to support the Bill's implementation if enacted:

- *Page 32 – Unquantified costs box*

“Unknown costs include the potential costs to [...] the Children and Family Court Advisory and Support Service (Cafcass) Cymru, as a result of a potential increase in allegations of common assault against a child or children of parents involved in a family court case.”

- *Page 78 – Family Courts – paragraph 41*

“Awareness of the change in the law could lead to an increase in allegations of parental physical punishment in cases where a parent is seeking to further their cause against the other parent in a family related case; the police and social services would have to investigate. Cafcass Cymru would have to report the issue to the court (if involved) and the court would have to potentially adjudicate on an increased number of issues. This could lead to increased workloads and possible delays.”

- *Page 78 – Cafcass Cymru – paragraphs 43-44*

“Cafcass Cymru has a statutory role in providing advice to the Family Court as to a child's best interests in public and private law cases. On the private law side i.e. where parents cannot agree child related arrangements following separation, and have made an application to the court, Cafcass Cymru are required to undertake safeguarding checks with the police and social services together with safeguarding interviews with the parents. It is likely the removal of the defence will add to the information being provided to the court. Beyond this stage, if Cafcass Cymru has active involvement with a family and comes across such issues (or if they are alleged) then it will have a duty to report these to social services and the court which could lead to some additional work.”

Cafcass Cymru agrees and acknowledges it is difficult to quantify at this stage the potential costs and impact as a result of a possible increase in allegations of common assault against a child or children of parents involved in a family court case, but it will monitor the situation. Cafcass Cymru is an active member of the Bill's Stakeholder Implementation Group and through this Group any potential impact issues in relation to Cafcass Cymru will be closely considered and monitored.

It could be suggested that in some cases allegations of physical chastisement of children that would constitute criminal behaviour if the Bill is passed are already made and litigated in the Family Court as part of the 'finding of fact' process. In private law cases that are heavily contested, parents will tend to put forward whatever evidence they think may support their case. Therefore, if there has been potential physical chastisement of the child by one parent, it is likely to be raised in the proceedings and the court asked to rule on whether or not it has taken place. However, Cafcass Cymru acknowledges the change in the law could lead to an increase in allegations of parental physical punishment in cases. Whilst this may be the case, allegations of this kind are likely to be part of wider issues raised within a case in the Family Court. Cafcass Cymru agrees it is difficult to predict at this stage with any certainty the impact or numbers and will monitor the situation.

Cafcass Cymru also agrees it is likely the removal of the defence will add to the information being provided to the court but is content that any additional reporting will be absorbed into the work it already does as part of its reporting to court.

In conclusion, Cafcass Cymru is currently satisfied it has the resources and capacity to support the Bill's implementation if enacted, but will carefully monitor the situation going forward.

3. Risk of malicious reporting

Please can you provide CAFCASS Cymru's views on the following reference to malicious reporting in the Explanatory Memorandum. Please could CAFCASS Cymru indicate what assessment if any has been made of the risk of malicious reporting in private law cases and in what way CAFCASS Cymru envisages this might affect its work.

"There appears to be consistency amongst the four Welsh police forces relating to the recorded crime categories. Approximately 12% of the named recorded crime categories were identified where lawful chastisement was used as a defence; or considered in the decision making process. Cross cutting themes relating to the malicious reporting via ex-partners was prevalent. Issues such as legal access and financial support issues featured prominently." (Page 97, paragraph 12).

Cafcass Cymru has not made any assessment of the risk of malicious reporting in private law cases but confirms this already happens on both this issue and on a range of other matters within cases. It is content the court has in place arrangements to deal with this, including 'finding of fact' hearings where there are disputed issues that are important in determining the implications on applications for safe contact between a child and the non-resident parent. However, what may change with the introduction of the criminal offence is the court may be required to wait until any criminal prosecution has concluded before considering the issue itself. This could result in delays in family proceedings, which could effectively be put on hold pending the outcome of the criminal trial. However, if there is ultimately a criminal conviction, the family court would not have to spend much time in making its own finding of fact and could probably proceed directly to a welfare determination. Cafcass Cymru will monitor the impact of the Bill's introduction in terms of whether such malicious reporting increases.

In conclusion, Cafcass Cymru considers if the Bill is enacted it will not change the work it does but will add a layer of extra information to be considered as part of the cases in which it is involved. It will carefully monitor the situation and raise any impacts or issues as it sees fit.

Agenda Item 3.3

CYPE(5)-18-19 - Paper to note 3

Julie Morgan AC/AM
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Our ref : MAL JM 470 19

Lynne Neagle AM
Chair
Children, Young People and Education
Committee

Llyr Gruffydd AM
Chair
Finance Committee

Mick Antoniw AM
Chair
Constitutional and Legislative Affairs Committee

5 June 2019

Dear Lynne, Llyr and Mick

In November 2018 a survey was undertaken to establish a research baseline for public awareness and opinion of the proposed legislation, the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill. It was carried out four months before the Bill was introduced to the National Assembly for Wales. This research may be of interest to you as part of your Stage 1 scrutiny of the Bill.

The report will be published on the Welsh Government's website on Wednesday 5 June in accordance with Government Social Research guidelines. A copy of the report is attached at Doc 1.

Julie Morgan AC/AM
Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Services

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Dadansoddi ar gyfer Polisi



Analysis for Policy



Llywodraeth Cymru
Welsh Government

SOCIAL RESEARCH NUMBER:

25/2019

PUBLICATION DATE:

05/06/2019

Public attitudes to physical punishment of children: baseline survey, 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

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Digital ISBN xxxxxxxx

Pack Page 35

Public attitudes to physical punishment of children: baseline survey, 2018

Author:

Chris Timmins, Beaufort Research

Full Research Report: Public Awareness and Opinion of Proposed Legislation on Physical Punishment of Children – November 2018, Cardiff: Welsh Government, GSR report number 25/2019.>

Available at: <https://gov.wales/public-attitudes-physical-punishment-children-baseline-survey-2018>

Views expressed in this report are those of the researcher and not necessarily those of the Welsh Government

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1. Introduction

1.1 Background and objectives

1.1 The Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill was introduced to the National Assembly for Wales on 25 March 2019.

1.2 The overarching objective of the legislation is to help protect children's rights by prohibiting the use of physical punishment against children, through the removal of the defence of reasonable punishment. This would mean that the defence is no longer available within the territory of Wales to parents or those acting in loco parentis (acting with parental responsibility), as a defence to a charge of common assault or battery on a child in their care.

1.3 Should the Bill be passed by the Assembly, the Welsh Government intends to run a campaign, to raise awareness of the change in the law, both before and after it comes into force.

1.4 The objective of this research was to establish a research baseline on public attitudes towards physical punishment of children including the proposed legislation. The fieldwork was carried out in November 2018, four months before the Bill was introduced to the National Assembly for Wales. The Welsh Government intends to repeat these questions at regular intervals to track public awareness and opinion as the public awareness campaign progresses over a number of years (should the Bill be passed and become law).

1.2 About this report

1.5 This research was conducted on the November 2018 Beaufort Wales Omnibus survey which interviews a representative quota sample of 1,002 adults aged 16+ across Wales in their own home. This includes both parents/guardians and non-parents/guardians. This work forms part of a suite of parenting research undertaken by the Welsh Government since 2013. A table of reports can be found at Annex A.

1.6 The questionnaire for this survey comprised a series of questions about attitudes towards smacking, awareness of legislation around physical punishment of children and awareness and opinion of proposed changes to legislation. Demographic questions were also included as standard in the Wales Omnibus survey. The questionnaire was available in English or Welsh at the participant's choice and can be found in Annex B of this document.

1.3 Statistical testing

1.7 Throughout this report comparisons are made between different groups of the population (for example, those of different age groups or gender) to understand if they have varying attitudes, behaviours or knowledge. The report uses statistical testing to compare results between groups of the population. When a difference between two groups is described as 'significant' in this report, this means that the probability of obtaining the finding by chance is less than one in 20 and therefore it can be generalised to the wider population.

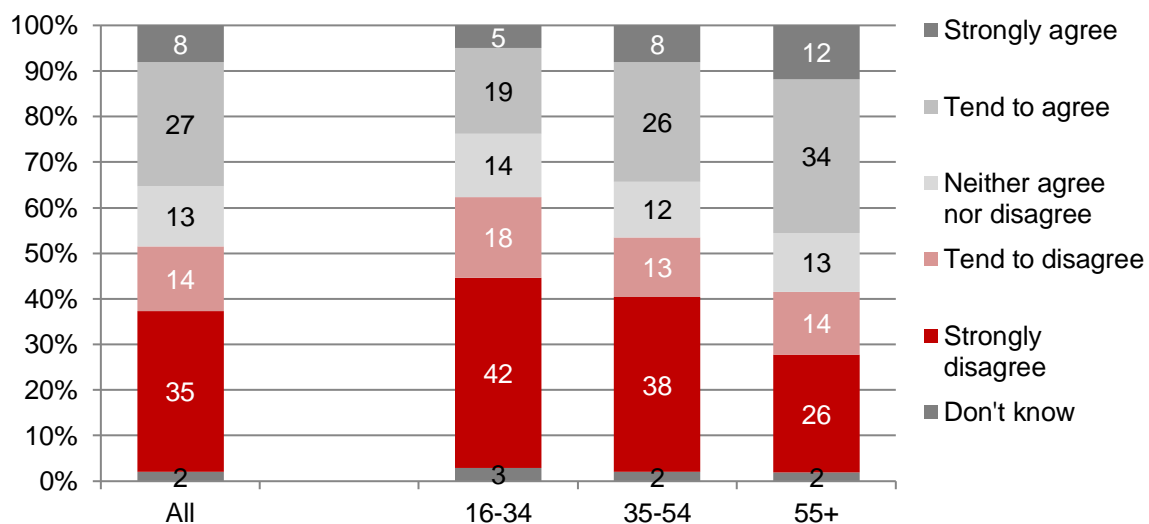
1.8 More information on the survey methodology is included in Annex C.

2. Attitudes towards smacking

2.1 All respondents were asked the degree to which they agreed or disagreed that *it is sometimes necessary to smack a child*. Opinion was split on this, although more disagreed with this statement (49%) than agreed with it (35%).

2.2 As shown in figure 2.1, when we examine this by age of respondent, we find that those in the older age group (55+) were more likely to agree that *it is sometimes necessary to smack a child* – at 45% this was almost twice the number of 16-34s who held this view (24%). These differences were confirmed by statistical testing and therefore the finding can be generalised to the wider population.

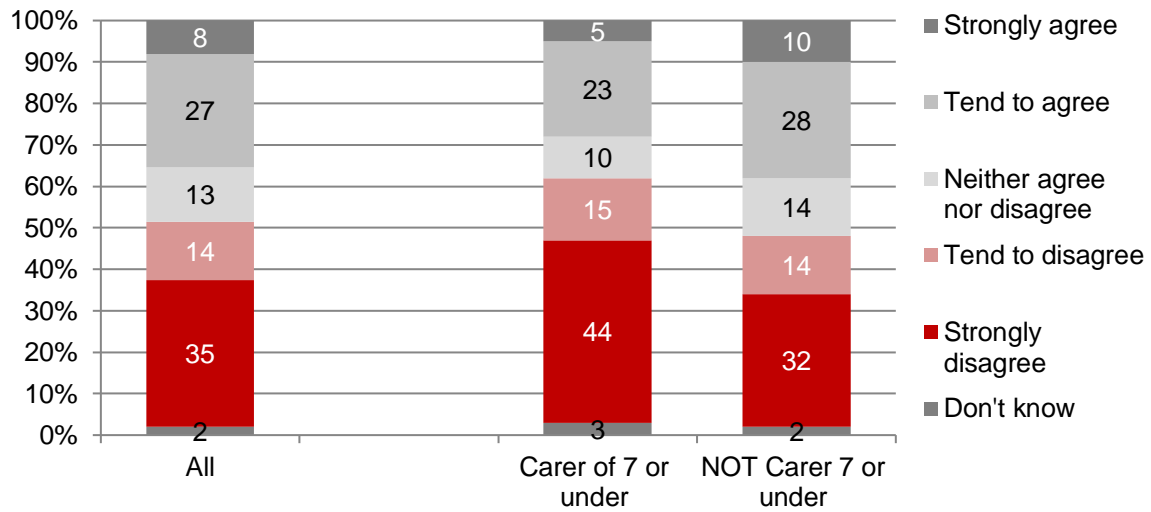
Figure 2.1: Percentage in agreement that ‘it is sometimes necessary to smack a child’ (All and by age group)



Base: All (1,002), 16-34 (246), 35-54 (264), 55+ (491)

2.3 Those who have caring responsibilities for children aged seven or under, namely parents, guardians or other family members who provide regular care, were less likely to agree that *it is sometimes necessary to smack a naughty child* – 28% compared with 38% among those who do not have caring responsibilities for those aged seven and under. This difference is confirmed by statistical testing and therefore the finding can be generalised to the wider population.

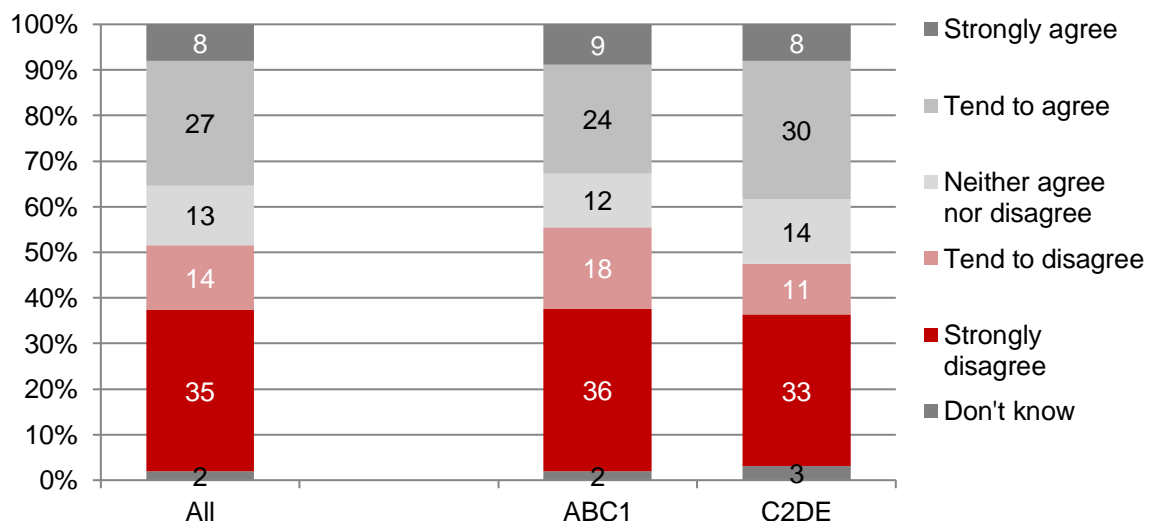
Figure 2.2: Percentage in agreement that ‘it is sometimes necessary to smack a child’ (All and whether regular carer of child aged seven or under)



Base: All (1,002), Regular carer of 7 or under (186), Not a regular carer of 7 or under (814)

2.4 Figure 2.3 shows findings for the same measure by social grade¹. Those in social grades ABC1² were more likely to disagree that *it is sometimes necessary to smack a child* – 54% compared with 44% among those in social grades C2DE. This difference is confirmed by statistical testing and therefore the finding can be generalised to the wider population.

Figure 2.3: Percentage in agreement that ‘it is sometimes necessary to smack a child’ (All and by social grade)



Base: All (1,002), ABC1 (490), C2DE (505)

¹ Social grade is a classification system based on the occupation of the chief income earner in the household.

² Definitions of social grades A,B,C1,C2,D,E can be found in Annex E

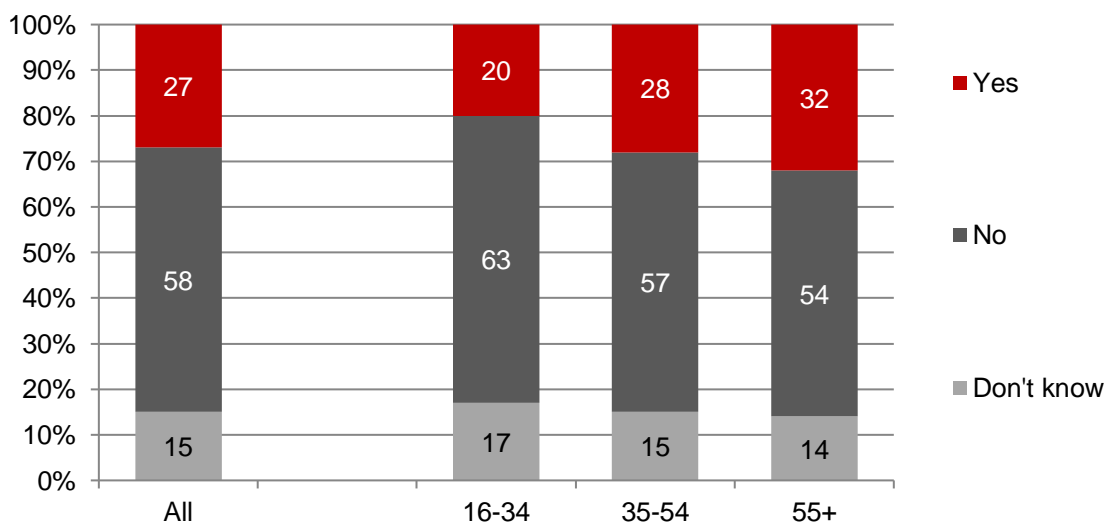
3. Knowledge of current legislation

3.1 The current legal situation regarding smacking or other physical punishment of children in Wales, is that parents and adults acting in loco parentis (acting with parental responsibility) are able to rely on the defence of reasonable punishment against a charge of common assault. Parents who physically punish their children cannot use the reasonable punishment defence for charges of cruelty, wounding or assaults occasioning actual or grievous bodily harm. The Crown Prosecution Service guidance clarifies that “although any injury that is more than 'transient or trifling' can be classified as actual bodily harm, the appropriate charge will be one of Common Assault where no injury or injuries which are not serious occur”.

3.2 Around 6 in 10 (58%) of people surveyed thought that the law did not allow parents to smack their children. Just over a quarter (27%) thought the law did allow parents to smack and the remaining 15% reported being unsure.

3.3 Older respondents (aged 55+) were more likely to believe that smacking was allowed (32%), although were still in the minority. These differences were confirmed by statistical testing and therefore the finding can be generalised to the wider population.

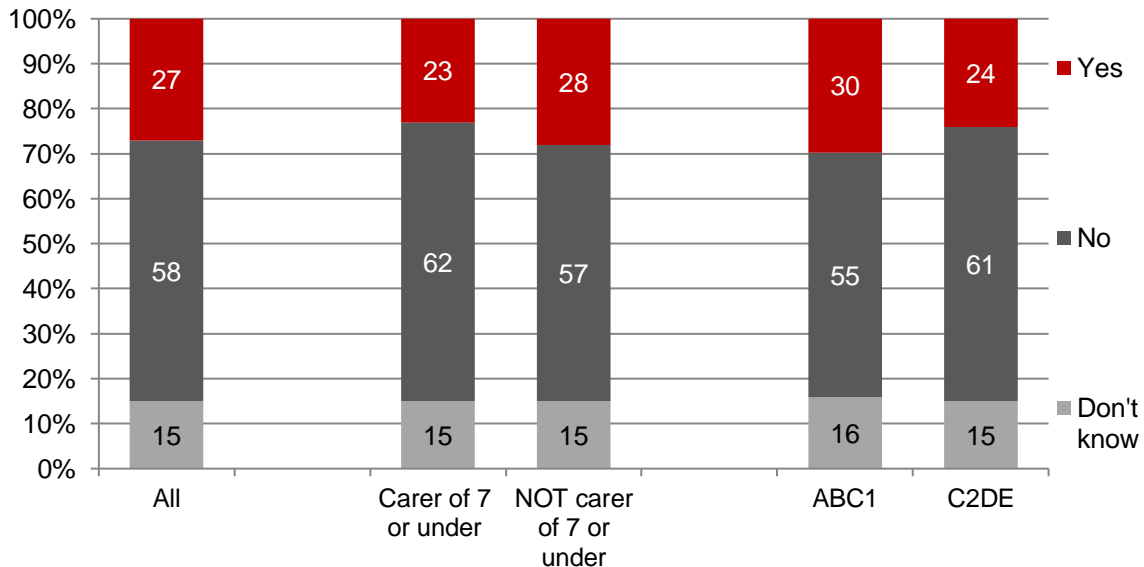
Figure 3.1: Percentage who believe that the law currently allows parents to smack their children (All and by age group)



Base: All (1,002), 16-34 (246), 35-54 (264), 55+ (491)

3.4 Those who were not regular carers of children aged seven and under and those from social grades ABC1 were also more likely than their counterparts to believe that smacking was allowed but statistical testing did not confirm these differences and therefore the finding cannot be applied to the wider population.

Figure 3.2: Percentage who believe that the law currently allows parents to smack their children (All and by social grade and whether regular carer of child aged seven or under)

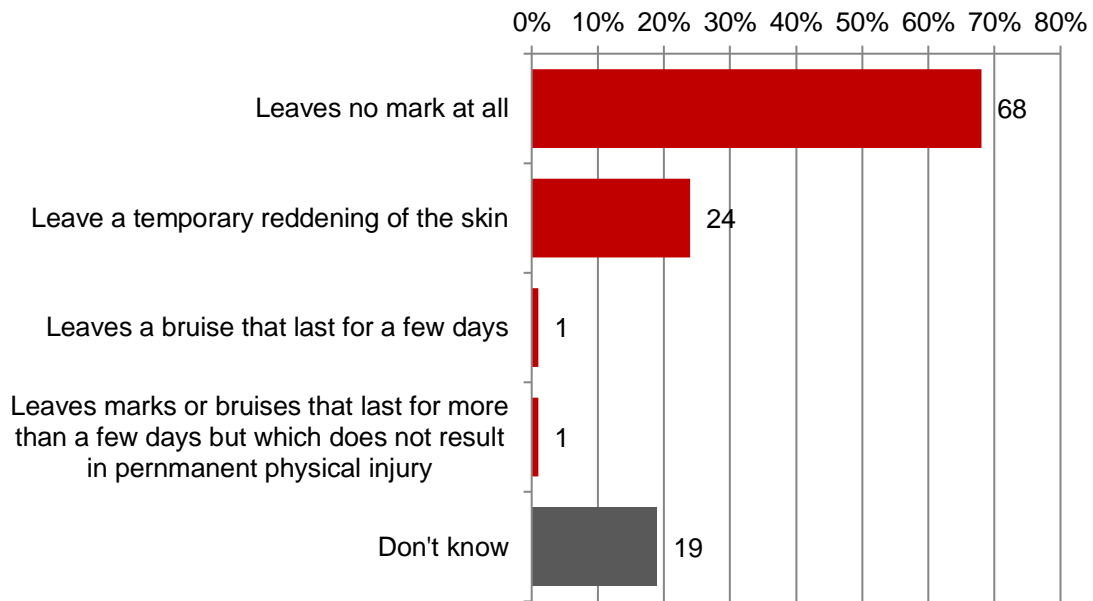


Base: All (1,002), Regular carer of 7 or under (186), Not a regular carer of 7 or under (814), ABC1 (490), C2DE (505)

3.5 Individuals were then informed that the law currently does allow parents to smack or physically discipline their children and questioned respondents on the level of punishment they felt the law allowed. The options they were given can be found in figure 3.3 together with the proportion of people who thought each level was allowed (respondents could choose more than one option).

3.6 Around 7 in 10 people (68%) thought punishment that left no mark at all on the child would be allowed in law. Far fewer (24%) thought that leaving a temporary reddening of the skin would be allowed. Only a very small proportion thought that higher levels of physical punishment such as something that leaves a bruise for a few days (1%) or leaves marks or bruises that last for more than a few days but does not result in permanent physical injury (1%) would be allowed in law. Almost 1 in 5 (19%) reported that they did not know what level of punishment would be allowed.

Figure 3.3: Percentage who thought that each level of punishment was currently allowed in law

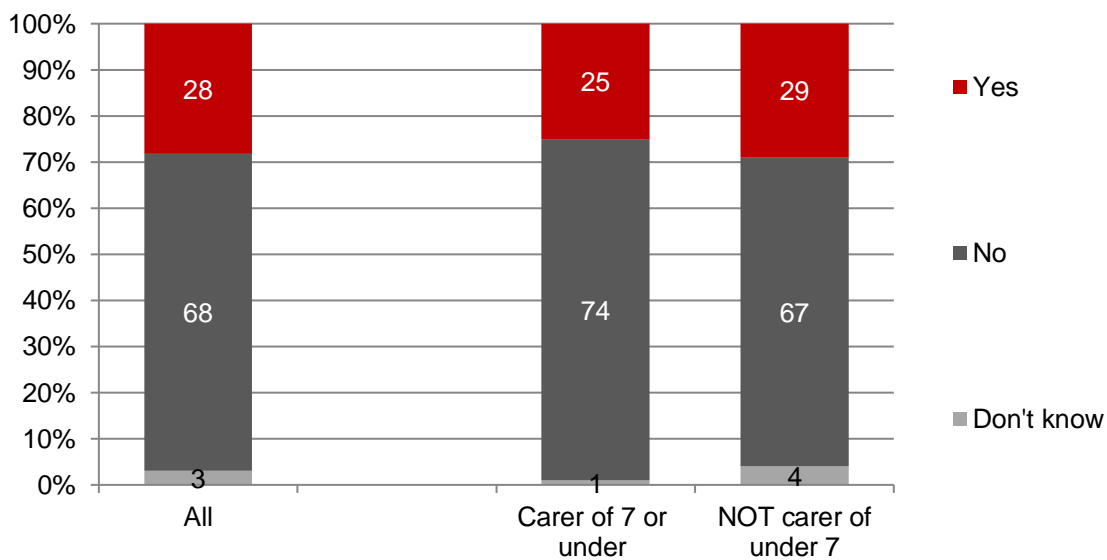


Base: All (1,002)

4. Awareness of proposed changes to legislation

4.1 Just under 3 in 10 (28%) people reported that they were aware of proposed changes to the law around physical punishment of children at an unprompted level³. Awareness was no greater among carers of children seven and under than those who did not have these responsibilities. In fact it was slightly lower (25% vs. 29%) although this difference was not statistically significant and cannot be generalised to the wider population.

Figure 4.1: Percentage aware of proposed changes in legislation around physical punishment of children [Unprompted] (All and by whether regular carer of child aged seven or under)

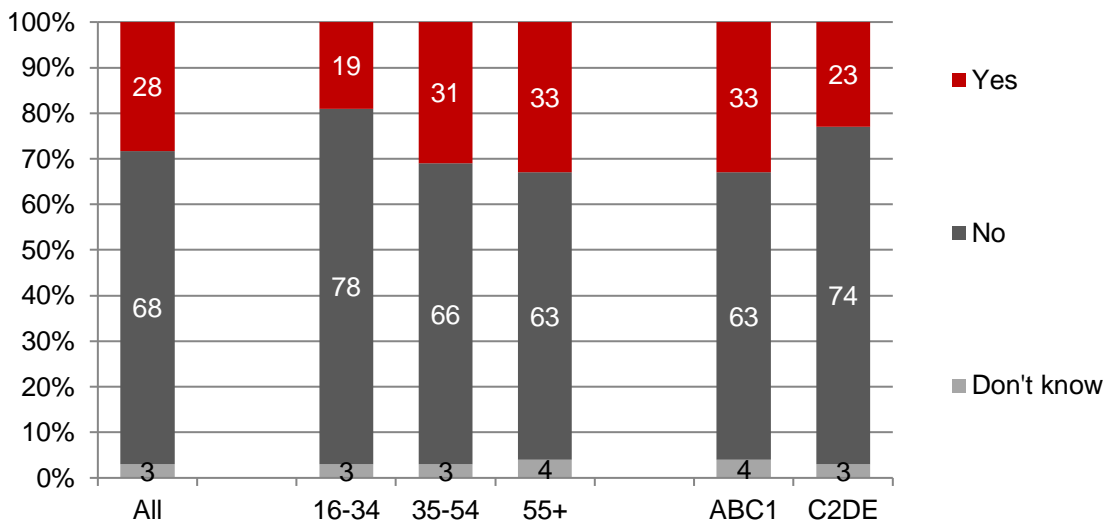


Base: All (1,002), Regular carer of 7 or under (186), Not a regular carer of 7 or under (814)

4.2 As shown in figure 4.2, differences in awareness did occur by age and social grade. Those aged 16-34 (19%) were less likely to be aware of a potential change than older respondents. Similarly, those in social grades C2DE (23%) were less likely to be aware of a potential change than those in social grades ABC1. These differences were confirmed by statistical testing and therefore the finding can be generalised to the wider population.

³ Respondents were not given any details of potential changes at this point and were simply asked 'Are you aware of any proposed changes to the law around physical punishment of children?'

Figure 4.2: Percentage aware of proposed changes in legislation around physical punishment of children [Unprompted] (All and by age and social grade)



Base: All (1,002), 16-34 (246), 35-54 (264), 55+ (491), ABC1 (490), C2DE (505)

4.3 Those who reported being aware of potential changes in legislation (297 respondents) were asked to describe in their own words how they thought the law may change. Their responses were then grouped into themes and are shown in table 4.1. By far the most frequent response was that smacking would be [completely] banned \ it will be illegal. Around three-quarters (73%) of those aware of a change spontaneously mentioned this. Around 1 in 10 (10%) who had previously said they were aware of a change could not name what that change would be.

Table 4.1 : Can you tell me how you think the law may change? [Unprompted]

Response	Percentage of respondents (Number of respondents)
[Complete] ban on smacking \ physical punishment \ it will be illegal	73 (n.206)
Don't know	10 (n.27)
Other responses reported by less than 5 per cent of respondents	
Change is being discussed (unspecific)	
Good idea \ don't agree with smacking	
Penalties for those who smack children	
Saw \ heard something about it (unspecific)	
Thought it was already illegal to smack	

Base: Those aware of proposed changes to the law around physical punishment of children – unprompted (297)
 (a) Table may add up to more than 100 per cent as respondents were able to give more than one answer
 (b) Other responses are presented alphabetically

4.4 Those who reported being aware of potential changes in legislation were also asked to state how they had become aware of the change (table 4.2). Seeing something on a TV news / programme was by far the most frequent response with half (50%) of those aware of change reporting this as their source. This was followed by radio news / programme (14%) and word of mouth via family or friends (11%).

Table 4.2: How became aware of that law may change around physical punishment of children – percentage giving each answer [Unprompted]

Response	Percentage of respondents (Number of respondents)
On TV – news \ programme	50 (n.141)
On radio – news \ programme	14 (n.38)
Someone told me (family \ friends)	11 (n.30)
On TV – advertising	7 (n.19)
National UK newspaper - news \ article	5 (n.14)
Someone told me (professional)	5 (n.13)
Don't know	5 (n.15)
Other responses reported by less than 5 per cent of respondents	
Facebook	
Local newspaper - advertising	
Local newspaper - news \ article	
Magazine	
National Wales newspaper - advertising	
National Wales newspaper - news \ article	
National UK newspaper - advertising	
Online website - news item	
Online website - other	
Radio - advertising	
Social media (excluding facebook)	

Base: Those aware of proposed changes to the law around physical punishment of children – unprompted (297)

(a) Table may add up to more than 100 per cent as respondents were able to give more than one answer

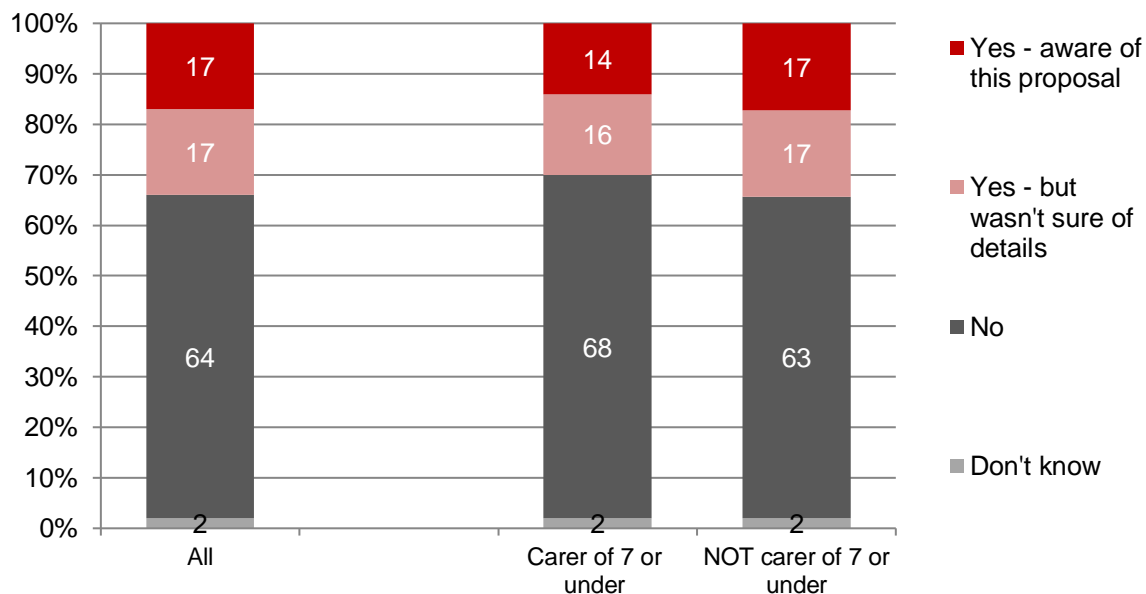
(b) Other responses are presented alphabetically

4.5 After being asked their awareness at an unprompted level, respondents were then presented with a description of the proposed legislative change (which can be found in Annex D) and were asked if they had seen or heard anything about this proposal. At this prompted level, slightly more respondents reported that they were aware of the legislation than had done so on a spontaneous basis (see figure 4.1). However, they were still the minority - a total of 34% knew something about the

proposal and this group was split evenly into those who reported that they were aware of the proposal (17%) and those who were aware but not sure about the details (17%) – see figure 4.3.

4.6 As with spontaneous awareness, at this prompted level those with caring responsibilities for children aged seven and under were slightly less likely to be aware of the legislation than those without these responsibilities although the difference was not statistically significant and therefore cannot be applied to the wider population.

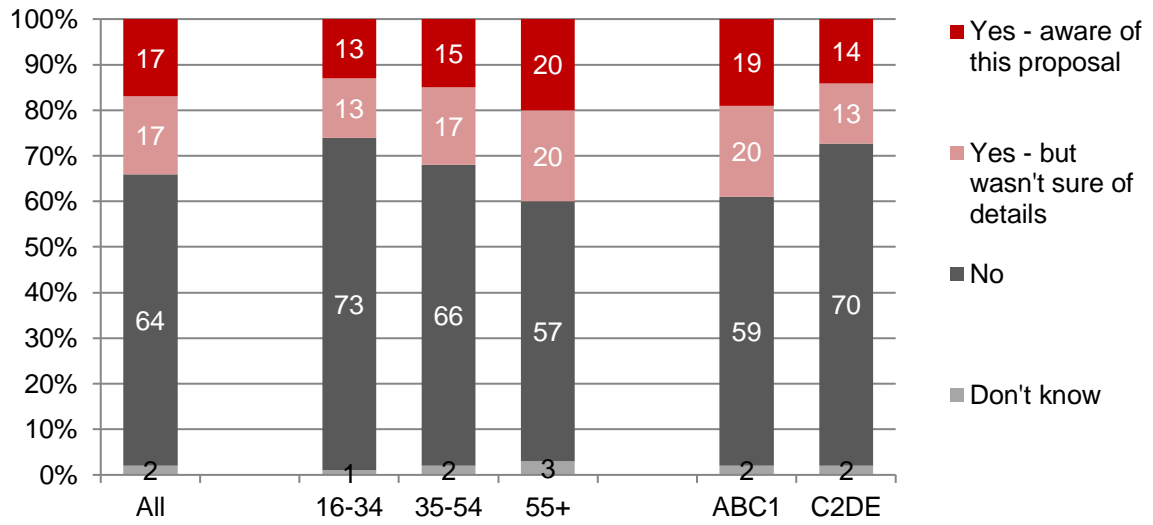
Figure 4.3: Percentage aware of proposed changes in legislation around physical punishment of children [Prompted] (All and by whether regular carer of child aged seven or under)



Base: All (1,002), Regular carer of 7 or under (186), Not a regular carer of 7 or under (814)

4.7 Differences do occur in terms of prompted awareness by age and social grade (figure 4.4). Among those aged 55+ prompted awareness of the proposed legislation stood at 40% compared with 26% among 16-34s and 32% among 35-54s. Similarly, 39% of those in social grades ABC1 were aware of the proposed legislation compared with 27% of those in social grades C2DE. These differences were confirmed by statistical testing and therefore the finding can be generalised to the wider population.

Figure 4.4: Percentage aware of proposed changes in legislation around physical punishment of children [Prompted] (All and by age group and social grade)

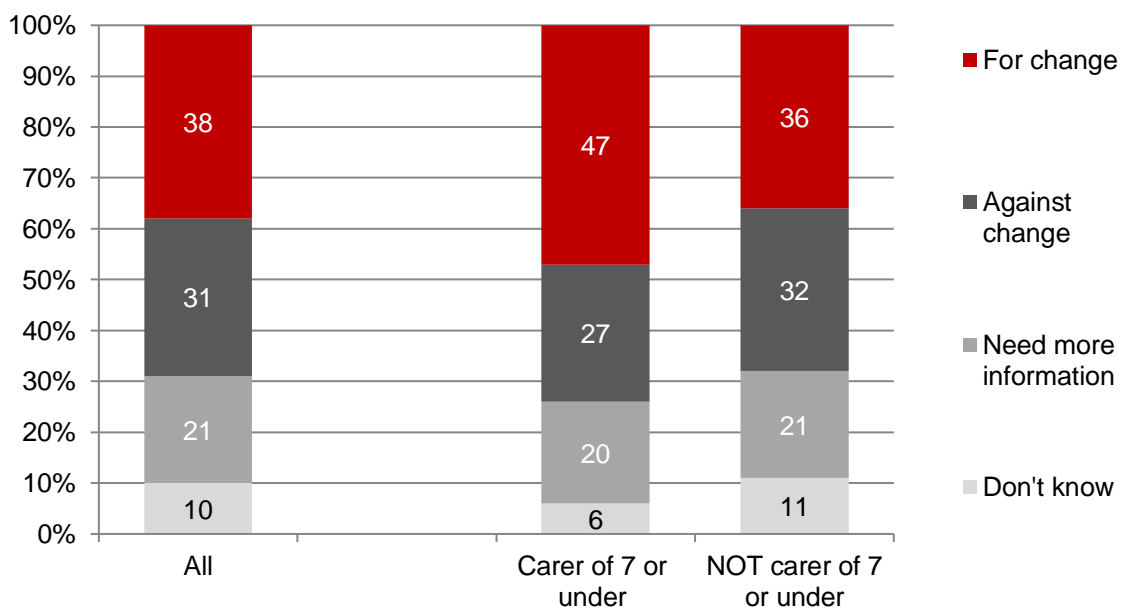


Base: All (1,002), 16-34 (246), 35-54 (264), 55+ (491), ABC1 (490), C2DE (505)

5. Opinion of proposed changes to legislation

5.1 Having been shown the description of the proposed change, respondents were asked whether they were in favour of the removal of the defence of reasonable punishment, against it or needed more information to decide. Overall, there was mixed opinion on this with similar proportions being for the removal (38%), against it (31%) or needing more information / don't know (31%). Those with caring responsibilities for children aged seven and under were more likely to be in favour of the proposed change (47% in favour, 27% against) compared with those who did not have these responsibilities (36% in favour, 32% against). These differences were confirmed by statistical testing and therefore the finding can be generalised to the wider population.

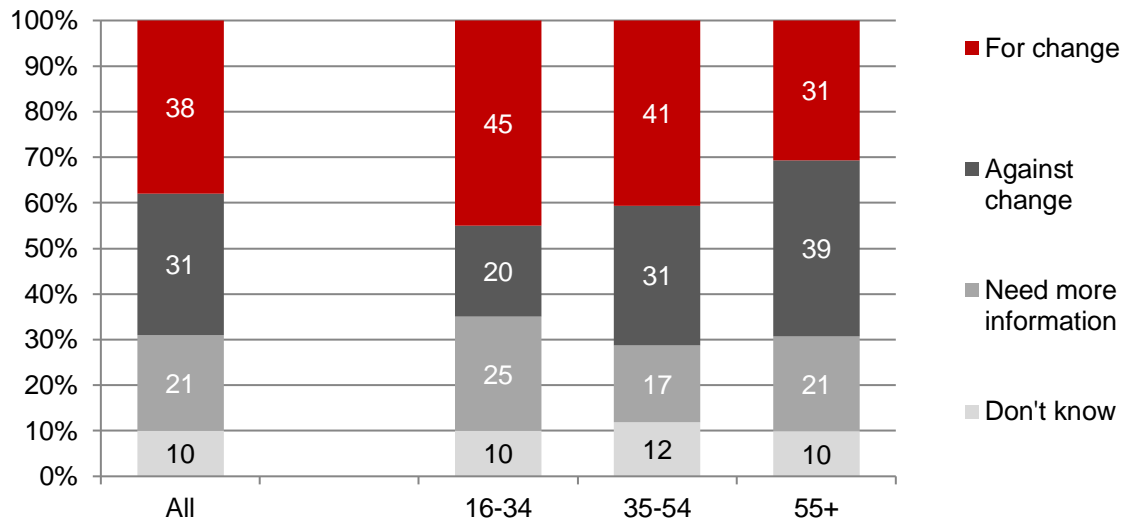
Figure 5.1: Opinion of proposed change in legislation on physical punishment of children (%) (All and by whether regular carer of child aged seven or under)



Base: All (1,002), Regular carer of 7 or under (186), Not a regular carer of 7 or under (814)

5.2 Differences in opinion were also found by age. In both the 16-34 and 35-54 age groups, respondents were more likely to be for rather than against the change, as shown in figure 5.2. However, among those aged 55+ the reverse was true. These differences were confirmed by statistical testing and therefore the finding can be generalised to the wider population.

Figure 5.2: Opinion of proposed change in legislation on physical punishment of children (All and by age group)



Base: All (1,002), 16-34 (246), 35-54 (264), 55+ (491)

5.3 Differences were not found in opinion of the proposed change in legislation by gender or social grade.

5.4 Respondents were asked to explain their reasons for their opinion on the proposed legislative change. Again, this was in their own words and responses have been grouped into common themes. Table 5.1 shows the reasons that were stated for being in favour of the proposed change (366 respondents). The most frequent response was that they did not agree with smacking or physical punishment of children (38% of those who were for the proposed change). Others highlighted that there were other ways of ensuring good behaviour (15%) that it doesn't work / not necessary (9%) and is not a good lesson and encourages violence (8%). Whilst articulated in slightly different ways a number of individuals focussed on the harm done to children:

- It's abuse / can lead to abuse (5%)
- Some parents go too far (5%)
- It's harmful to children (5%)

Table 5.1: Can you tell me why you are in favour of the change to the law on physical punishment of children in Wales? [Unprompted]

Response	Percentage of respondents (Number of respondents)
Don't agree with smacking \ physically punishing children	38 (n.144)
There are other ways of ensuring good behaviour \ discipline	15 (n.57)
It doesn't work \ not necessary	9 (n.33)
It's not a good lesson \ encourages violence	8 (n.30)
It will help protect children	6 (n.21)
It's abuse / can lead to abuse	5 (n.21)
Some parents go too far	5 (n.21)
It's harmful to children	5 (n.20)
Other responses reported by less than 5 per cent of respondents	
A tap is ok \ a little smack \ ok if don't go too far	
It's needed	
I was hit as a child	
Never smacked my kids	

Base: Those in favour of change to the law on physical punishment of children in Wales (366)

(a) Table may add up to more than 100 per cent as respondents were able to give more than one answer

(b) Other responses are presented alphabetically

5.5 Of those against the proposed change in legislation (317 respondents) controlling behaviour and discipline was one the main reasons for their view. Three in ten (30%) of those against change thought the current situation was needed to control behaviour / discipline child / teach respect / show boundaries. Others commented on the broader lack of discipline in society – there’s no discipline / respect these days / kids are badly behaved (8%).

5.6 Other principal reasons for being against the change centred on who should be responsible for disciplining children. A total of 19% of those against change thought parents should be allowed to make this decision and 8% thought government should not get involved. Some of those against the proposed legislation gave a qualified response to their reason for rejecting change, saying that [physical punishment] was ok if it doesn’t go too far / if reasonable punishment (25%). A full list of answers can be found in table 5.2

Table 5.2: Can you tell me why you are against the change to the law on physical punishment of children in Wales? [Unprompted]

Response	Percentage of respondents (Number of respondents)
Needed to control behaviour \ discipline child \ teach respect \ show boundaries	30 (n.91)
Ok if doesn't go too far \ if reasonable punishment	25 (n.77)
Parent should be allowed to punish child \ should have choice \ make decision	19 (n.58)
Government should not get involved	8 (n.26)
There's no discipline these days \ kids are badly behaved \ no respect	8 (n.24)
Doesn't do any harm \ didn't harm me \ my kids	7 (n.20)
Shouldn't be criminalised	5 (n.16)
Other responses reported by less than 5 per cent of respondents	
Difficult to police \ enforce \ resource	
Each circumstance \ child is different	
Law is fine at moment \ new law not needed	
OK when child is in danger	
Over the top \ not reasonable	
Use as last resort	

Base: Those against the change to the law on physical punishment of children in Wales (317)

(a) Table may add up to more than 100 per cent as respondents were able to give more than one answer

(b) Other responses are presented alphabetically

5.7 Those who needed more information before deciding (217 respondents) principally either wanted more detail or information on how it would work (35% of those needing more information) or specifically would like greater clarity around definitions that were part of the legislation:

- What constitutes smacking \ assault, what is allowed vs. not allowed (19%)
- Definition of reasonable punishment (5%)

**Table 5.3: Can you tell me what additional information you need?
[Unprompted]**

Response	Percentage of respondents (Number of respondents)
More detail \ more info \ how it would work	35 (n.74)
What constitutes smacking \ assault, what is allowed vs. not allowed	19 (n.40)
Definition of reasonable punishment	5 (n.11)
Research \ evidence into impact of smacking	5 (n.10)
Don't know	15 (n.31)
Other responses reported by less than 5 per cent of respondents	
Definitions \ examples	
How it will be policed \ enforced \ resourced	
Info on current law	
Need time to think about it \ more time to think about it	
Punishment \ charges for parents	
Safeguarding \ protection for parents	

Base: Those who need more information to decide if they are for or against change to the law on physical punishment of children in Wales (217)

(a) Table may add up to more than 100 per cent as respondents were able to give more than one answer

(b) Other responses are presented alphabetically

6. Conclusions

6.1 Views are mixed on whether 'it is sometimes necessary to smack a naughty child' and balance of opinion appears related to age of respondent. Older respondents were more likely to agree that smacking is sometimes necessary than younger respondents. Those who are involved in managing behaviour of young children (have caring responsibilities for children aged seven or under) were less likely to agree that smacking was sometimes necessary than those without these responsibilities.

6.2 There appears to be a degree of misunderstanding around the current status of legislation around smacking. Around 6 in 10 (58%) of those surveyed thought that the law currently did not allow parents to smack their children. Those with caring responsibilities for children aged seven or under were no more likely to be aware of the current legislative status than those without these responsibilities.

6.3 Awareness of proposed changes to legislation which would see the removal of the defence of reasonable punishment was, at the moment, limited. When prompted with what the change may entail, a third reported any awareness of this. Those with caring responsibilities for children aged seven or under were no more likely to be aware of the proposed change than those who did not have these caring responsibilities.

6.4 There is a lack of consensus on opinion of the proposed change with the population relatively evenly split between those who are for it, those who are against it and those who need more information to decide or are unsure. These proportions varied to a certain extent among different groups of the population. Balance of opinion among younger age groups and those with caring responsibilities for children aged seven or under was in support of a change in legislation whereas the reverse was true among the older generation.

6.5 The three most frequent reasons provided by those who were against the legislation were that the current status is needed to control / discipline children, that it's ok as long as things don't go too far and that it should be parents and not

government who decide on these matters. For those in favour of the legislative change, reasons included not agreeing with physically punishing children, that there were other ways of ensuring good behaviour and that physical punishment doesn't work. Those who were undecided on the matter wanted more information on how it would work and greater clarity around definitions that were part of the legislation.

Annex A - Welsh Government Social Research on parenting,

The Table below sets out the Government Social Research publications on parenting commissioned by the Welsh Government over the past six years.

Table A.1: Relevant Previous Welsh Government Research

Title	Method and sample	Purpose	Link
Attitudes to parenting practices and child discipline Published: 2014	<ul style="list-style-type: none"> • 14 focus groups (70 participants) • Parents of children under 18 • In 2013 	To explore parents' views on parenting practice including discipline. The findings were used to inform parenting support.	https://gov.wales/attitudes-parenting-practices-and-child-discipline-0
Managing children's behaviour, attitudes and practices: Baseline Survey 2013 Published: 2014	<ul style="list-style-type: none"> • Quantitative Omnibus Survey • 1,022 adults (56% ever parents, 27% parents of under 18s) • In 2013 	To collect data on attitudes of the public (including parents and non-parents) towards parenting practices including discipline. The findings were used to inform parenting support.	https://gov.wales/survey-attitudes-towards-managing-childrens-behaviour-0
Parental attitudes towards managing young children's behaviour 2015 Published: 2016	<ul style="list-style-type: none"> • Quantitative – telephone survey • 387 parents/guardians of children under 7 years old • Using National Survey for Wales re-contact list • In 2015 	To gauge the attitudes of parents with young children on parenting and managing children's behaviour. Fieldwork undertaken prior to Launch of parenting support campaign <i>Parenting. Give it time</i>	https://gov.wales/attitudes-parents-towards-managing-young-childrens-behaviour-2015
Parental attitudes towards managing young children's behaviour 2017 Published: 2018	<ul style="list-style-type: none"> • Quantitative – telephone survey • 269 parents/guardians of children under 7 years old • Using National Survey for Wales re-contact survey • In 2017 	To gauge the attitudes of parents with young children on parenting and managing children's behaviour. This survey was broadly a repeat of previous research undertaken in 2015 and helped inform the preparatory work for the proposal to prohibit physical punishment.	https://gov.wales/parental-attitudes-towards-managing-young-childrens-behaviour

Annex B – Survey questionnaire

This section is about physical punishment which includes smacking

1. To what extent do you agree or disagree that it is sometimes necessary to smack a child?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know (SPONTANEOUS ONLY) -

2. Do you think the law allows parents to smack their children?

- Yes
- No
- Don't know

3. The law does currently allow parents to physically punish their children (which includes smacking). What level of punishment do you think the law allows? Choose as many as you think are relevant.

Physical punishment that:

- Leaves no mark at all on the child
- Leaves a temporary reddening of the skin
- Leaves a bruise that lasts for a few days
- Leaves marks and bruises that last for more than a few days but which does not result in permanent physical injury
- Don't know (DO NOT READ OUT)
- Refused (DO NOT READ OUT)

4. Are you aware of any proposed changes to the law around physical punishment of children?

- Yes
- No
- Don't know

5. Can you tell me how you think the law may change?

6. How did you become aware of the proposed changes to the law around physical punishment of children?

DO NOT PROMPT

- On TV – news / programme
- On TV □ advertising
- On the radio – news / programme
- On the radio – advertising
- In a local newspaper – news / article
- In a local newspaper – advertising
- In a national Wales newspaper – news / article
- In a national Wales newspaper – advertising
- In a national UK newspaper – news / article
- In a national UK newspaper – advertising
- Online website – news item
- Online website – other
- Social media (excluding facebook)
- Facebook
- In a magazine
- Someone told me (professional)
- Someone told me (family/ friend)

In Wales, the government is considering changing the law around physical punishment including smacking. Parents are currently able to use the defence of reasonable punishment against a charge of common assault, but not against more serious charges of, for example, actual bodily harm. If the legislation is passed the defence of reasonable punishment would no longer be available in Wales to parents, carers and guardians, and those acting in loco parentis facing a charge of assault or battery against a child in their care. Where the police find sufficient evidence for a realistic prospect of conviction they will have to consider whether it is in the public interest to charge.

7. Before today, have you seen or heard anything about this proposal at all?

- Yes I am aware of the proposal
- Yes – but I wasn't sure of the details
- No
- Don't know

8. Which of these statements about proposed changes to the law around physical punishment of children in Wales best reflects your view?

- I am in favour of changing the law to remove the defence of reasonable punishment
- I am against changing the law to remove the defence of reasonable punishment
- I need more information to decide
- Don't know

9. a) Can you tell me why you are in favour of the change to the law on physical punishment of children in Wales?

OPEN ENDED

b) Can you tell me why you are against the change to the law on physical punishment of children in Wales?

OPEN ENDED

c) Can you tell me what additional information you need?

OPEN ENDED

Annex C – Research method

A1.1 This research was conducted via the Beaufort Wales Omnibus Survey. Omnibus surveys are a well-established method of conducting market and social research. As their name implies, they enable a group of users to share the same survey vehicle, achieving the benefit of lower costs.

A1.2 Interviewing is spread across 69 separate locations throughout Wales, with points randomly selected each wave. The primary sampling unit is Lower Super Output Areas (LSOA). LSOAs are geographical areas developed by ONS following the 2001 Census and on average have populations of around 1,600. Sampling points are selected with probability proportionate to resident adult population after stratification by region (Local Authority) and social grade (proportion of ABs).

A1.3 Within each sampling location, there are interlocking quota controls on age within gender as well as social grade and working status. Quotas are set to reflect the known demographic profile of Welsh residents according to the latest Census information.

A1.4 All interviews are conducted face-to-face in the homes of respondents using CAPI (Computer Aided Personal Interviewing) technology. No more than one person per household is interviewed. A fresh sample of interviewing locations and individuals are selected for each survey.

A1.5 At the analysis stage, the data is weighted by age group within gender within Local Authority grouping to give each cell its correct incidence within the Wales total derived from the results of the 2011 Census. Figures in this report are presented to the nearest whole percentage.

Proportional quota sampling

A1.6 When survey data are tested for statistical significance, an assumption is made that the achieved sample represents a random sample of the relevant population. However, as the Wales Omnibus Survey uses proportional quota sampling (not random sampling), genuine statistical significance cannot, strictly speaking, be

established. Therefore, when a difference between two sub-groups is described as being 'significant' in this report, this refers to a pseudo-statistically significant difference at the 95 per cent confidence level. This means that, if the survey did use a random sample, the probability of obtaining the finding by chance would be less than one in 20.

Chi-square analysis

A1.7 The chi-square test has been used in the analysis to determine whether an observed relationship between two categorical variables in the sample is likely to reflect a genuine association in the population (i.e. the total adult population resident in Wales aged 16 years and over).

Annex D – Description of proposed change in legislation presented to respondents in November 2018 survey

In Wales, the Government is considering changing the law around physical punishment including smacking. Parents are currently able to use the defence of reasonable punishment against a charge of common assault, but not against more serious charges of, for example, actual bodily harm. If the legislation is passed the defence of reasonable punishment would no longer be available in Wales to parents, carers and guardians, and those acting in loco parentis facing a charge of assault or battery against a child in their care. Where the police find sufficient evidence for a realistic prospect of conviction they will have to consider whether it is in the public interest to charge.

Annex E – Definition of social grades

Table A.2, below, provides a definition of the social grade classification used in the analysis

Table A.2: Social grade definitions

Social grade	Definition
ABC1	
A	High managerial, administrative or professional
B	Intermediate managerial, administrative or professional
C1	Supervisory, clerical and junior managerial, administrative or professional
C2DE	
C2	Skilled manual workers
D	Semi and unskilled manual worker
E	State pensioners, casual or lowest grade workers, unemployed with state benefits only

Annex F – Sub-sample sizes

Table A.3, below, shows the number of respondents for each sub-sample used in the analysis. The numbers of respondents are given for the unweighted and weighted samples.

Table A.3: Sub-group sample sizes

Sub-sample	Unweighted sample	Weighted sample
Gender		
Male	430	487
Female	572	515
Age		
16-34	246	293
35-54	264	327
55+	491	381
Social grade		
ABC1	490	491
C2DE	505	503
Caring responsibilities for 7 and under		
Yes	186	207
No	814	793

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Agenda Item 7

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