

Agenda – Children, Young People and Education Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 2 May 2019

Meeting time: 09.00

For further information contact:

Llinos Madeley

Committee Clerk

0300 200 6565

SeneddCYPE@assembly.wales

Private pre-meeting

(09.00 – 09.20)

1 Introductions, apologies, substitutions and declarations of interest

(09.20)

2 Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill – Evidence session 1

(09.20 – 10.30)

(Pages 1 – 38)

Welsh Government

Julie Morgan AM, Deputy Minister for Health and Social Services

Karen Cornish, Deputy Director – Children & Families Division

Emma Gammon, Lawyer

Attached Documents:

Research Brief

CYPE(5)–13–19 – Paper 1

Break

(10.30 – 10.40)



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

**3 Children (Abolition of Defence of Reasonable Punishment) (Wales)
Bill – Evidence session 2**

(10.40 – 11.40)

(Pages 39 – 47)

Be Reasonable Wales

Jamie Gillies, spokesman for Be Reasonable

Sally Gobbett, Parent campaigner

Attached Documents:

CYPE(5)-13-19 – Paper 2

**4 Children (Abolition of Defence of Reasonable Punishment) (Wales)
Bill – Evidence session 3**

(11.40 – 12.40)

(Pages 48 – 59)

Equal Protection Network Cymru (*Successor organisation to the Children are Unbeatable Cymru alliance*)

Andy James, Interim Chair– Equal Protection Network Cymru

Catriona Williams OBE, Chief Executive Officer – Children in Wales

Vivienne Laing, Policy and Public Affairs Manager – NSPCC Wales

Menna Thomas, Assistant Director (Policy) – Barnardo’s Cymru

Dr Katherine Shelton, Senior Lecturer in Psychology, Cardiff University and member of Academics for Equal Protection

Attached Documents:

CYPE(5)-13-19 – Paper 3

Lunch break

(12.40 – 13.10)

**5 Children (Abolition of Defence of Reasonable Punishment) (Wales)
Bill – Evidence session 4**

(13.10 – 13.55)

(Pages 60 – 72)

Office of the Children’s Commissioner for Wales

Sally Holland, Children’s Commissioner for Wales

Rachel Thomas, Head of Policy and Public Affairs

Attached Documents:

CYPE(5)–13–19 – Paper 4

6 Papers to note

(13.55)

**6.1 Letter from the Minister for Education – Update on 2018 Key Stage 4
attainment data**

(Pages 73 – 80)

Attached Documents:

CYPE(5)–13–19 – Paper to note 1

**6.2 Letter from the Minister for Education – Draft Additional Learning Needs
Code**

(Pages 81 – 82)

Attached Documents:

CYPE(5)–13–19 – Paper to note 2

**6.3 Letter to the Minister for Health and Social Services – Inpatient CAMHS
provision**

(Pages 83 – 84)

Attached Documents:

CYPE(5)–13–19 – Paper to note 3

**6.4 Letter to the Deputy Minister for Health and Social Services – Children
(Abolition of Defence of Reasonable Punishment) (Wales) Bill**

(Pages 85 – 88)

Attached Documents:

CYPE(5)-13-19 – Paper to note 4

**6.5 Letter from the Deputy Minister for Health and Social Services – Children
(Abolition of Defence of Reasonable Punishment) (Wales) Bill**

(Pages 89 – 90)

Attached Documents:

CYPE(5)-13-19 – Paper to note 5

**6.6 Letter from the Minister for Education – Additional Learning Needs (ALN)
transformation programme update**

(Pages 91 – 93)

Attached Documents:

CYPE(5)-13-19 – Paper to note 6

**6.7 Letter from the Chair of the Economy, Infrastructure and Skills Committee –
Research and Innovation in Wales**

(Page 94)

Attached Documents:

CYPE(5)-13-19 – Paper to note 7

**6.8 Letter from the First Minister of Wales – Improving outcomes for children in
care**

(Page 95)

Attached Documents:

CYPE(5)-13-19 – Paper to note 8

6.9 Letter from the Chair of Petitions Committee – Petition P-05-872 Protect school funding or admit to the weakening of service provision

(Page 96)

Attached Documents:

CYPE(5)-13-19 – Paper to note 9

6.10 Letter from the British Heart Foundation – Concerns about the new curriculum

(Pages 97 – 99)

Attached Documents:

CYPE(5)-13-19 – Paper to note 10

7 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the meeting for the remainder of the meeting

8 Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill – Consideration of the evidence

(13.55 – 14.00)

9 Inquiry into School Funding – Consideration of the key issues

(14.00 – 15.00)

(Pages 100 – 148)

Attached Documents:

Private paper

Document is Restricted

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-L/JM/0382/19

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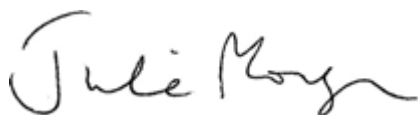
25 April 2019

Dear Lynne,

Thank you for your letter of 5 April, which requested clarification 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 discussing how the Bill will protect children's rights with the Committee on 2 May.

Yours sincerely,



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

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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.

Assault and battery

“At various points in the Explanatory Memorandum (e.g. para 1.1. and para 1.4) it is stated that the Bill removes the defence of reasonable punishment as a defence to assault or battery against a child. Section 1 of the Bill removes the defence of reasonable punishment in relation to corporal punishment of a child by parents or those acting in loco parentis. Corporal punishment is defined in section 1 (5) of the Bill to mean battery carried out as a punishment. Can you confirm how the defence is removed in cases of assault?”

The approach taken in the Bill is consistent with what was done in relation to corporal punishment in schools by section 548 of the Education Act 1996. We are not aware of any suggestion or concern that section 548 left open the possibility of teachers being able to defend threats to carry out corporal punishment against pupils as lawful.

For an assault to occur, a person must apprehend the immediate infliction of unlawful violence or force. It follows that the apprehension of the immediate infliction of *lawful* force is not an assault (anticipating a collision in a game of rugby, for example; where consent to participation renders the contact lawful). Any action which currently causes a child to apprehend the infliction of a smack, for example, is potentially defensible, and lawful, by reference to the current defence (assuming that the adult in question is a parent or is in loco parentis).

The defence’s abolition in relation to any form of corporal punishment, irrespective of the level of harm caused, will mean that all acts of battery captured by the definition in section 1 of the Bill will be unlawful. By extension, any action which involves the immediate apprehension of “corporal punishment” will be incapable of being defended in respect of an allegation of assault or of a trespass against the person. The interaction between, on the one hand, the abolition by statute of the defence in relation to a particular type of battery, and, on the other, the existing common law of assault achieves the correct result.

In other words, once the defence is abolished in relation to acts of battery constituting corporal punishment, it follows that an assault by way of a threat to carry out any degree of corporal punishment (which will be unlawful once the Bill is in force, irrespective of severity) cannot be defended in legal proceedings.

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Implementation and training needs

“What assessment/discussions have taken place with CAFCASS about the anticipated impact of this Bill on their work and caseloads in terms of both private law and public law cases.”

Officials have had regular discussions with Cafcass Cymru regarding the potential impact of the Bill on their work. Cafcass Cymru already responds to allegations made by separating couples within private law proceedings. This is a complex issue and professionals already make balanced decisions to ensure children are kept safe, and are able to maintain relationships with both parents where this is safe and in the child’s best interests. The Bill does not change this.

There is no precedent in the UK for removing the defence and, therefore accurately predicting the impact is difficult. It is possible there will be an impact on caseloads, at least initially, due to increased public and professional awareness of the issue.

We will continue to work closely with Cafcass Cymru, to consider how we can monitor the impact of the Bill. A representative from Cafcass Cymru will be invited to be part of the Implementation Group which is meeting on 14 May. Work by the Group will help us develop monitoring and reporting processes for future evaluation of the impacts of the change in the law (if passed).

I recognise parental separation affects many children and their families. Where it is handled well, the adverse impact on children is minimised. In 2017, Welsh Government provided £32,000 to make the Cafcass Cymru Working Together for Children course more widely available to parents. The course helps parents understand how best to work together to support their children during and after separation.

“What assessment/discussions have taken place with representatives of the judiciary (civil, family and criminal) regarding the training needs and cross-border issues arising from the implementation of this Bill?”

Officials have met with representatives of Her Majesty's Courts & Tribunals Service (HMCTS) in July 2018 and a further meeting is planned in April 2019.

HMCTS colleagues highlighted the importance of engaging across the whole justice system and made a number of suggestions for engagement and awareness raising which will be considered through the work of the Implementation Group.

The Lord Chief Justice (LCJ) is responsible for arrangements for training the judiciary in England and Wales. These responsibilities are exercised through the Judicial College. The Welsh Government has a commitment to consult the LCJ and engage with his Judicial Office on proposals which bring changes to the criminal law or which may have an effect on the operation of the judiciary and the courts and tribunals system. As is the case with all Bills, the LCJ’s Office have been kept informed of these proposals and are aware that the Bill has been introduced.

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A representative from HMCTS has been invited to the Implementation Group which is meeting on 14 May and will consider potential training needs and cross-border issues.

“Please could you provide further details on:

The assessments undertaken in respect of the availability of Registered Intermediaries which para 28 of Annex 4 of the EM states ‘must be considered for use at court in every case involving a child witness’.”

“The reference in para 29 of Annex 4 of the EM to a current shortage of RIs ‘and a very limited number of Welsh speaking ones’ and that ‘this could create delays in the process’.”

The Registered Intermediaries (RI) scheme was the subject of a review by the Victims’ Commissioner, Baroness Newlove. The review, ‘A Voice for the Voiceless’, which was published in January 2018 identifies a shortage of RIs to work in some geographical areas, such as North Wales and a lack of Welsh speaking RIs.

Written evidence on the RI scheme has also been provided to the Commission on Justice in Wales, which was set up by the former First Minister in September 2017 to review the operation of the justice system in Wales. Giving evidence to the Commission a RI identified, at the time of submitting his evidence (July 2018), that there was one full time Welsh speaking RI and two part time non Welsh Speaking RIs in Wales. He reported that the majority of intermediaries who work in Wales were traveling from England to conduct assessments and interviews.

Written evidence was also provided to the Commission on Justice in Wales in August 2018, by the Victims’ Commissioner, Baroness Newlove. She reported that victims with communication needs can face a long wait to get access to a RI to help them give evidence with the police and for giving evidence at court.

Her Majesty’s Courts and Tribunals Service and the Ministry of Justice carried out a recruitment exercise between October and December 2018 to recruit additional Registered Intermediaries. Fifteen candidates were successful and twelve have completed the approved assessed training course and will shortly be able to commence practising in the role of RI in Wales.

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Guidance and training for frontline professionals (para 4.14-4.15 of the EM)

“Please could you provide a list of all relevant public policy and guidance in Wales which you have assessed as needing updating if the Bill passes, along with the date it was last updated”

“Please could you provide the estimated cost of updating: all Welsh Government guidance in respect of Social Care, Education (para 61 of Annex 4 of the EM), Health, Parenting, and third sector (para 8.19 of the EM)”

The updating of Welsh Government guidance is a routine activity which officials regularly undertake to ensure such guidance remains compliant with any changes to legislation or procedures. As such, we would expect this to be covered by administrative running costs, with little or no additional costs in this respect.

The Implementation Group will consider whether guidance provided by other public bodies needs updating. As we are not creating a new offence we expect existing guidance, across public bodies, to be updated, rather than produced from scratch. The organisations responsible for this guidance, for example the CPS or National College of Policing regularly update guidance to reflect changes in law and practice. We anticipate they would use existing resource to do this. In many cases guidance on the operation of the defence of reasonable punishment is only one aspect of broader guidance which covers a wide range of safeguarding or criminal justice issues. The CPS Charging Standard, for example, provides guidance to prosecutors and police officers in relation to a number of different offences against the person, of which the approach to the reasonable punishment defence in cases of common assault is only one part.

“Para 8.47 of the EM refers to the All Wales Child Protection Procedures 2002 being ‘regularly updated’. Since the 2008 revision to these procedures, please could you indicate:

- how often it has been updated;***
- when it was last updated;***
- how long the updating work took;***
- the total costs of this work in terms of redrafting, dissemination, and training.”***

The All Wales Child Protection Procedures 2008 (AWCPP) were produced and adopted by all Safeguarding Children Boards in Wales. This is not Welsh Government guidance. The All Wales Child Protection Procedures Review group (now disbanded) was responsible for keeping the procedures up to date and added a number of protocols to the core procedures.

Currently the AWCPP and the Policy and Procedures for the Protection of Vulnerable adults (POVA) are being revised by Cardiff and the Vale Safeguarding Board on behalf of all Safeguarding Boards in Wales to take account of the Social Services and Well-being (Wales) Act 2014, which came in force 6 April 2016, and its accompanying statutory guidance. The work is overseen by a Project Board chaired by the Director of Social Services of the Vale of Glamorgan with representatives from

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all Safeguarding Boards and partners. The intention is for the new Wales Safeguarding Procedures (WSP), which will replace both the AWCPP and the POVA procedures, to be launched in the autumn 2019.

The Welsh Government have also co-ordinated with stakeholders the production of a number of practice guides which replace existing AWCPP protocols for the safeguarding of children in specific circumstances, for example, in relation to child trafficking and children missing from home or care.

The WSP will be hosted by Social Care Wales (SCW) in a digital format which will enable ease of access, review and update. The Project Board is considering formal arrangements for keeping the WSP current and informed by changes to practice and guidance. This will be the responsibility of the Safeguarding Boards.

The current project is a substantial revision, rather than an update and was commenced in 2017. Funding of £185,000 to produce, digitalise and translate the Wales Safeguarding Procedures has been made available over the last two years. Additional funding for implementation and training resources will now be required. The Welsh Government has provided the funding for the review and agreement will be sought by the Welsh Government to provide funding for a launch and implementation. This includes SCW working with the Project Board to produce training materials for use by all Safeguarding Boards in Wales.

The Project Board have received a briefing on the Bill. As part of their work they will consider the consequent implications (should the Bill be passed) for updating the WSP as part of the sustainable arrangements made to keep the WSP current and informed by changes to practice, case law and guidance. The WSP Project Board members will be invited to contribute to the work of the Implementation Group.

“Please could you provide further information about the costs associated with social services workload arising from para 50 of Annex 4 of the EM. This states that there may ‘be an increase in reporting incidents from individuals and community organisations such as schools’ in line with the ‘duty to report’ in the Social Services and Well-being Act.”

There is no precedent in the UK for removing the defence of reasonable punishment and, therefore, no requirement on public services to record or report incidents of physical punishment. There is therefore, no published or readily available data to use as a baseline or experience from another country to make a robust estimate of what the potential increase in social services referrals might be. As a consequence it is difficult to accurately predict the costs associated with a potential increase in workload for social services. As now, it is anticipated that, if the legislation is enacted, a significant proportion of incidents of physical punishment will not require a response under the child protection process.

We are working with a small number of local authorities to try to establish a sufficiently accurate baseline; however there are a number of issues associated with this. These were outlined in my letter to the Chair, Lynne Neagle AM on 5 April. One of the reasons why we are working to establish a baseline and will be putting in place

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systems to better record cases is to enable us to look at resource requirements and understand cost implications.

There will be ongoing work, via the Implementation Group, with social services to establish a recording and monitoring system to develop a reliable system to collect relevant data for a period prior to implementation to establish baselines, and following commencement in order to monitor the impact of the Bill.

“What discussions have taken place with the Crown Prosecution Service regarding amending the Charging Standard for Offences Against the Person to ensure that Section 58 of the 2004 Children Act does not apply in Wales as per paragraph 3.23 of the Explanatory Memorandum? How much time will this revision take, how much is it expected to cost and who will be responsible for this cost?”

The former Minister for Children, Older People and Social Care, Huw Irranca-Davies met with the Chief Crown Prosecutor for Wales and CPS colleagues on 9 October 2018 and I met with them on 7 March 2019. Officials have also had regular contact with CPS colleagues during which there has been discussion on a range of issues including amending the Offences Against the Person Charging Standard.

The CPS is a non-devolved organisation which has a policy department that updates guidance documents as part of the work they are employed to do. Between July and August 2017 the CPS consulted on revisions to and amended its Charging Standard. This was done as part of their periodic refresh, to reflect a number of legal and social developments and to clarify aspects of the Standard. The amendments included clarification on the approach required where the defence of reasonable punishment falls for consideration. Changes to the application of the defence in Welsh legislation will again be reflected in updates to the CPS Charging Standard in line with CPS normal practice.

The CPS meets the costs incurred of reviewing and updating its legal guidance. Following discussions it is understood that, in line with their normal practice, the CPS will meet costs incurred in reviewing its Charging Standard to reflect legislation that ensures Section 58 of the 2004 Children Act does not apply in Wales.

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“What discussions have taken place with the Police regarding the amended guidance referred to in para 15 of Annex 4 of the EM? How much time will this revision take, how much it is expected to cost and who will be responsible for this cost?”

“What discussions have taken place with the Police regarding the difference in recording requirements between England and Wales for the National Law Enforcement database referred to in paras 14 and 15 of Annex 4 of the EM? How has the feasibility of this work been assessed, how much is it expected to cost and who will be responsible for this cost?”

The former Minister for Children, Older People and Social Care, Huw Irranca-Davies met with the four Chief Constables (or their Deputies) of the four police forces in Wales on 3 August 2018 and I also met them on 24 January 2019. Officials have also had regular contact with representatives of the four police forces in Wales in which there has been discussion on a range of issues including guidance and recording requirements.

As explained at paragraph 14 of Annex 4 of the EM, the National Law Enforcement Database (LEDS) will be set up to replace both the existing Police National Database (PND) and Police National Computer (PNC). Currently, conviction information is held on the PNC, and records on non-conviction information (e.g. intelligence, non-statutory out of court disposals such as community resolutions) are held on the PND.

The need to consider how the LEDS will distinguish between the fact that certain common assaults on children may be non-conviction information in England and conviction information in Wales has been raised in our discussions with police as an issue to work through.

At this stage, our view is that there would be no difficulty in terms of accommodating this difference within a combined database which contains records about both conviction and non-conviction information. Removing the defence of reasonable punishment in Wales does not create a new offence; the offence of common assault already exists in common law across England and Wales, therefore it should be possible to report incidents of common assault against children, either as conviction information (e.g. if a caution has been accepted by the perpetrator) or as non-conviction information.

Clear guidance about the inputting of information to LEDS, so that there is clarity about whether cases of ‘reasonable punishment’ are recorded as conviction or non-conviction information will be essential. Once recorded, it should be clear to disclosure units which non-conviction information they should consider for release for the purpose of an enhanced Disclosure and Barring Service check.

We consider that any costs attached to such guidance would be minimal, and part of much wider guidance likely to be required regarding the inputting of information to LEDS. However, these are matters of detailed implementation which we will discuss further with the police and others as required.

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“Please could you provide details of any costs associated with attending a course as part of a conditional caution referred to in para 21 of Annex 4 of the EM. Will a course need to be developed for this type of offence? If yes, who will be expected to develop and fund this course?”

“Please could you provide details of progress and costs associated with the community resolutions referred to in para 24 of Annex A of the EM?”

The former Minister for Children, Older People and Social Care, Huw Irranca-Davies met with the Police and Crime Commissioners on 29 October 2018 and I also met them on 24 January 2019. Officials have also had regular contact with the CPS and representatives of the four police forces in Wales in which there has been discussion on a range of issues including on out of court disposals.

Conditional cautions are issued by the police in accordance with Ministry of Justice guidelines. Decisions around the use of out of court disposals and the most appropriate conditions to attach to a caution are a non-devolved responsibility. We will continue to work with the Home Office, Ministry of Justice, CPS, Police and Police and Crime Commissioners to consider suitable interventions.

The way courses are funded varies between police forces. They are usually paid for through funding from the PCC; by the offender themselves, or are already available and funded in the community. It is possible that existing provision could be utilised. The Implementation Group, which will include representatives from key organisations, will consider the use of out of court disposals, including community resolutions and conditional cautions. Planning around implementation will also consider the most appropriate models of delivery, guidance, funding and resourcing arrangements.

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Awareness raising campaign and costs (paras 3.63-3.66 of the EM).

“Please could you clarify the target audience for the awareness raising campaign.”

The communications campaign will target the entire population of Wales as most people come into contact with children.

The audience will also be broken down and messages will be tailored for a number of different groups. We will carry out scoping work over the coming months to consider what messages resonate best with and the most effective ways to communicate with different groups.

The communications plan will include extensive engagement with stakeholders who are key to the implementation of the legislation, for example the police, Crown Prosecution Service, Disclosure and Barring Service, and frontline professionals and organisations who work with children and families including social services, health and education professionals.

“Please could you provide details of the methods and costs for awareness raising with visitors to Wales, how this will be delivered and the costs associated for this for 3 years (para 9.2 of the EM)?”

Work will be carried out during the passage of the Bill to establish the most effective methods of raising awareness with visitors to Wales. We recognise that citizens of Wales and visitors to our country should be able to find the law, and to understand it, with reasonable ease in advance so that they can enjoy the benefits, and respect the obligations, that the law confers or imposes on them.

“Please could you provide details of the assessment made as to whether to include this awareness raising campaign on the face of the Bill.”

We have given careful and detailed consideration to the need to raise awareness of the change in the law, both prior to and after commencement, should the Bill achieve Royal Assent.

We commissioned a report by the Public Policy Institute for Wales (now the Wales Centre for Public Policy) on legislating to prohibit the physical punishment of children (<https://www.wcpp.org.uk/publication/legislating-to-prohibit-parental-physical-punishment-of-children/>), which considered the experience from other countries which have legislated in this area.

As highlighted at paragraph 8.24 to 8.25 of the Explanatory Memorandum, the report showed that a change in the law, accompanied by an awareness raising campaign and support for parents, can lead to a decline in physical punishment and a change in attitudes. It also found that where a change in the law is not accompanied by a publicity campaign, or a campaign is not sustained, knowledge of the law is less widespread.

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We are therefore committed to running a sustained awareness raising campaign, and have confirmed this commitment in Chapter 8 of the Explanatory Memorandum.

A duty on Welsh Ministers to carry out an awareness raising campaign is not necessary in light of this firm commitment and the fact that Welsh Ministers already have sufficient powers to be able to raise awareness of the legislation.

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Implementation group (para 8.9 of the EM)

“Please could you provide details of the role, membership and terms of reference for the implementation group and how often it has met to date, and an outline of the reasons why this information was not included in the Explanatory Memorandum”

The remit of the Implementation Group will be to consider and make recommendations about how to implement any changes required in most practical and effective way. I have invited representation from a wide range of stakeholders including the police, Police and Crime Commissioners, social services, and the public sector in Wales including health and education sectors. The first meeting has been arranged for 14 May 2019.

From previous engagement with stakeholders, we anticipate the workstreams could include: - advice, guidance, support and information for parents; data collection, monitoring and evaluation; operational processes, procedures, guidance and interaction between agencies; and out of court disposals, including possible diversionary schemes. The full range of work to be covered will be tested with the Implementation Group.

Other

“In relation to paragraph 3.42 of the EM, are you assured that all other academic references have been represented correctly?”

The overarching aim of the Bill is to help protect children's rights.

The intention was to provide a balanced summary of evidence in the consultation document and the Explanatory Memorandum, rather than provide a comprehensive academic review. The conclusions from our consultation document are broadly consistent with the findings set out in the Wales Centre for Public Policy (WCPP) report 'Parental Physical Punishment: Child Outcomes and Attitudes'. The WCPP report was an independent review of the available literature which had the findings peer reviewed by experts in the field. Officials have endeavoured to read and check all academic references which have been referred to in the Explanatory Memorandum and consultation document. To the best of our knowledge academic references have been represented correctly.

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“Please could you provide more clarity about the published data referred to in para 8.20 of the EM in New Zealand in terms of cases reported to the police service before and after the law change.”

The New Zealand legislation, 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.

New Zealand police have published a number of reviews of the impact of the New Zealand legislation. The reviews are available at:
<https://www.police.govt.nz/about-us/publication/crimes-substituted-section-59-amendment-act-2007>

The reviews were based on data collected by the New Zealand police, with a view to providing information on volumes of calls to police about child assaults involving ‘smacking’ and ‘minor acts of physical discipline’, as opposed to other child assaults.

In the period of three months prior to commencement of the legislation, and five years afterwards, the New Zealand police examined offences recorded under the following seven offence codes:

- Assault Child (Manually)
- Assault Child (Other Weapon)
- Common Assault (Domestic)(Manually)
- Common Assault (Manually)
- Other Assault on Child (Under 14 Years)
- Common Assault Domestic (Other Weapon)
- Other Common Assault #1649

The offences under these seven codes were examined for the purpose of the reviews, because they were considered to be the offence types most likely to include ‘smacking’ type incidents. The review reports indicate that the child assault events identified under these codes are not the total number of child assault events attended by the New Zealand police in any review period, as assault events which were not considered to be likely to include ‘smacking’ type incidents were not examined.

Based on this examination, the events recorded under each of these offences were allocated to one of each of the following categories: ‘smacking’, ‘minor acts of physical discipline’ and ‘other child assault’.

The rationale used to allocate each event to one of these categories involved consideration of the:

- actual physical action used in the child assault; and
- the context and the surrounding circumstances.

We have summarised the data collected for each of the 12 review periods in the table below. The first review period of 17/03/2007 – 22/06/2007 is the three month period prior to commencement of the New Zealand Act:

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New Zealand review of cases since enactment of Section 59

	Law passed											Numbers of cases		
	Baseline Period	Review Period 1	Review Period 2	Review Period 3	Review Period 4	Review Period 5	Review Period 6	Review Period 7	Review Period 8	Review Period 9	Review Period 10	Review Period 11		
	17/03/2007	23/06/2007	29/09/2007	05/04/2008	04/10/2008	05/04/2009	24/06/2009	23/12/2009	23/06/2010	22/12/2010	22/06/2011	22/12/2011		
	-	-	-	-	-	-	-	-	-	-	-	-		
	22/06/2007	28/09/2007	04/04/2008	03/10/2008	04/04/2009	23/06/2009	22/12/2009	22/06/2010	21/12/2010	21/06/2011	21/12/2011	21/06/2012		
Smacking	3	3	13	9	8	3	11	25	18	18	23	12		
Minor Acts of Physical Discipline	10	12	69	49	39	10	39	38	45	58	45	31		
Other Child Assaults/No offence disclosed	82	96	206	200	232	114	318	353	381	380	432	312		
Total	95	111	288	258	279	127	368	416	444	456	500	355		

Note: Review periods vary in length and so are not directly comparable

Source: New Zealand Police

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

As we indicate in paragraph 8.20 of the Explanatory Memorandum, there are differences between the situations in New Zealand and Wales which must be borne in mind when comparing the two. Subject to the caveats listed at paragraph 8.34 and annex 6 of the Explanatory Memorandum, we have used the New Zealand data as a proxy to estimate the potential increase in reporting to the police and prosecutions in the courts.

In the case of the police, baseline data specific to Wales was identified through a retrospective audit carried out by the four police forces in Wales (see table on page 50 of the Explanatory Memorandum). 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 roughly equate to offences at the level of 'reasonable punishment' in Wales. The table at page 51 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, so attempting to forecast on a year by year basis is complex.

In the case of the courts, the New Zealand data 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 – again, bearing in mind the caveats around the differences between the situations in Wales and New Zealand. As explained at paragraphs 8.40 and 8.41 of the EM, the estimated number has been calculated on the basis that the number of 0-14 year olds in Wales is around 60% of the number of 0-14 year olds in New Zealand (the legislation in New Zealand applies to 0-14 year olds).

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. We have, therefore, estimated 37 or 38 prosecutions over a five year period in Wales. This is explained further at pages 8-9 of the Justice Impact Assessment, where it is also noted that the incidence of prosecutions would likely start to decrease after 5 years as a result of the sustained awareness raising campaign planned by the Welsh Government.

Consultation on the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

Tystiolaeth i'r Pwyllgor Plant, Pobl Ifanc ac Addysg ar gyfer craffu Cyfnod 1 (Saesneg yn unig)	Evidence submitted to the Children, Young People and Education Committee for Stage 1 scrutiny
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Organisation: Be Reasonable

1 The Bill's general principles

1.1 Do you support the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill?

No

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1000 words)

Be Reasonable does not support the principles of the bill since it will mean criminalising parents, undermining child protection and bringing the law into disrepute. It will have a negative effect on parents, children, public services and public trust.

Making smacking a criminal offence will distract child protection authorities from identifying families where parents are guilty of real abuse and neglect. The new law will have to be enforced and this will drain already overstretched resources, putting abused children at increased risk of being overlooked. It also devalues the language of child abuse by applying it to behaviour which everyone knows is not abusive.

Making smacking criminal will likely impact teaching, healthcare, childcare, social work and other sectors. As NHS bodies have confirmed, public sector staff accused of using a mild smack will be treated as abusers if the law is changed [<https://www.bereasonable.wales/cwm-taf-foi-response/>].

Safeguarding procedures may mean accused parents are banned from working with children while the matter is resolved. If they are convicted, they will be permanently barred. Staffing

levels at schools, hospitals, youth centres and social work departments may be affected. This turmoil would be incredibly detrimental to family life, and to children.

Out of step

Supporters of this legislation are out of step with public opinion which shows that three-quarters oppose a smacking ban, and two thirds support smacking in some circumstances [<https://www.bereasonable.wales/en-home/public-opinion>]. But the Government fails to admit this. Instead, it uses a small, unrepresentative poll to support the misplaced view that the public is on side [see <https://gov.wales/wales-takes-next-step-end-physical-punishment-children> and <http://bit.ly/welshsmackingpublicopinion>]. Politicians should not impose their will on the public over the minutiae of parenting – and the majority of Welsh adults oppose attempts to do so.

Criminalising ordinary parenting choices.

Be Reasonable does not exist to advocate smacking. It simply argues that parents should not be criminalised for using mild physical discipline. Yet, many parents do believe there is a positive case to be made for the occasional use of mild smacking in the context of a warm, loving parental relationship, accompanied by careful explanation, consistency, and alongside many other positive and negative instruction and reinforcement options. Removing reasonable chastisement will leave these parents open to criminal sanctions.

Deputy Minister for Health and Social Care Julie Morgan has admitted that “by removing the defence, some parents who physically punish their children and are subsequently reported to the police or social services may be charged with a criminal offence in circumstances where that would not happen now because there is a defence they can call on” [<http://record.assembly.wales/Plenary/5571>].

Laws are meant to be obeyed. But some loving parents will ignore a ban because they conscientiously believe a mild smack on the back of the hand or legs to be necessary for certain instances of severe misbehaviour. They will likely argue that criminalising smacking breaches their Article 8 and 9 rights.

Some parents will continue to use mild parental discipline because they are unaware of the new law. Others may be confused by the rhetoric of anti-smacking campaigners who downplay the reach of the law to persuade AMs to back it. All these parents will be at risk of prosecution (or other means of enforcement – see below.)

Chen Palmer, a leading public law firm in New Zealand, has detailed actual cases in which the smacking law there has devastated families [<https://www.bereasonable.wales/wp-content/uploads/2018/02/Chen-Palmer-Opinion-s59-Crimes-Act-January-2018.pdf>]. It contrasts

this with the promises of politicians who said during the passage of the bill that this would not happen.

The current law is clear. Don't confuse it.

The current law is so clear that the reasonable chastisement defence is hardly used. In England and Wales the CPS says in cases where parents were charged it was used just three times in nine years, and none of these cases were in Wales

[<https://www.bereasonable.wales/cps-foi-response/>]. Clearly parents, police, prosecutors and courts are very clear on what is reasonable chastisement and what is unreasonable. If it were confusing, we would expect to see the defence being frequently tested in court by either (a) innocent parents wrongly prosecuted for a mild smack, or (b) guilty parents properly prosecuted for abuse. If lots of cases existed anti-smacking campaigners would highlight them.

Supporters of this bill often cite examples of parental chastisement that is unreasonable to get an emotional response. But such actions are, by definition, already illegal. The CPS Charging Standard for England and Wales says the defence is not available if the chastisement was anything more than "transient and trifling and amounted to no more than temporary reddening of the skin" [<https://www.cps.gov.uk/legal-guidance/offences-against-person-incorporating-charging-standard>].

If the law is changed, the consequences for parents will be considerable. Anyone accused or convicted of assaulting a child – under the new definition – will be subject to long-term social services involvement in their family and social stigma. The effect on the children themselves will be devastating – especially if they are made to feel responsible by having to give evidence against their parents. This bill will ruin happy childhoods.

Research has not proved smacking is harmful.

AMs should not rely on claims that mild physical discipline damages children's well-being and results in increased levels of violence. Indeed, last year the Welsh Government's own consultation paper acknowledged that "there is unlikely to be any research evidence which specifically shows the effects of a light and infrequent smack as being harmful to children" [<https://gov.wales/sites/default/files/consultations/2018-02/180109-legislation-consultation-en.pdf> p17].

Consultant child psychologist and former president of the British Psychological Association Professor Tommy MacKay recently told a committee of the Scottish parliament:

"I have surveyed all of the studies relevant to smacking or physical punishment published in peer-reviewed journals in the last 15 years... I cannot avoid feeling that often people start with a particular viewpoint or ideological position, and then seek evidence which they believe

supports it. The evidence base is very much more complex than that in a field of this nature” [https://www.parliament.scot/S5_Equal_Opps/equal%20protection%203/CEPFA_238_PROF_TOMMY_MACKAY.pdf].

Over 80% of adults were smacked themselves as children.

Anti-smacking campaigners criticise people who say that they were smacked and it did them no harm. But this is a vital source of real world, long-term, first-hand evidence of the effects of smacking. [<https://www.comresglobal.com/polls/be-reasonable-wales-survey/>].

AMs must not choose to listen to anti-smacking academics while ignoring the voices of tens of thousands of their own constituents. They know their parents were motivated by love and that smacking either did them no harm or did them good. Their assessment of their own experience is not invalid just because they don't have a PhD.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

(we would be grateful if you could keep your answer to around 500 words)

No. Changing the public's attitude towards smacking could be approached via an educational campaign. The Welsh Government has already sought to influence parenting techniques under its 'Parenting. Give it time.' campaign [<https://giveittime.gov.wales/?lang=en>]. However, this approach – lecturing parents on the minutiae of parenting – tends not to be welcomed by the public. It also costs taxpayers money.

Proponents of this legislation state that it is about furthering protections for children. But removing reasonable chastisement would place a burden on already overworked child protection professionals, which would spread the net more widely and could lead to children who are at risk of abuse being missed. With tragic irony, it could actually result in protections for children being diminished.

The best way to help vulnerable children is to invest in and improve the current structures.

2 The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

This bill is unworkable. Removing reasonable chastisement will make mild physical discipline an assault under law and require the authorities to pursue reports of smacking. Parents will be reported, arrested, prosecuted and convicted for actions which have, for many years, been considered a "reasonable" part of family life. Those who do not face prosecution will still have

to face investigation, and potential social services intervention. This will create great stress in homes and between parents and their children.

In Scotland, where similar legislation is being scrutinised, the experts are clear about the burden this will place on the police and the courts. Police Scotland stated that the repeal of justifiable assault, “will result in an increase in reporting” with “potential cost/resource implications for Police Scotland and partner agencies”

[https://www.parliament.scot/S5_Equal_Opps/equal%20protection%202/CEPFA_116_POLICE_SCOTLAND.pdf].

The police also concede: “On occasions, it may be assessed that the harm is not, nor is likely to be significant following a report of what is commonly referred to as ‘chastisement’.

Notwithstanding, there would be a duty on the Police to investigate any assault on a child and, if a sufficiency of evidence exists, report the circumstances to Crown Office and Procurator Fiscal Service.”

Expert child protection officers on the ground feel that this would be a dangerous, and unnecessary, distraction. As one anonymous officer put it in a response to Holyrood’s Equalities Committee consultation:

“I am a police officer with Police Scotland, and have 29 years experience, mainly as a detective. I have spent the last 10 years working in Child Protection departments as a Detective Sergeant, and therefore have a significant amount of operational experience in relation to the nature and investigation of child protection concerns. I have worked within the Public Protection Unit in the Edinburgh division, and for the past three years I have worked in the National Child Abuse Investigation Unit. It’s fair to say that I have dedicated a significant proportion of my life to protecting children from abuse, and am passionate about continuing that. As a starting point, it’s probably important to stress that in all this time, I have never come across a case where I have felt the law as it stands is inadequate for any investigation into child abuse. Conversations with similarly experienced detectives suggests this is a universal view. I have found no appetite amongst my operational colleagues for any legislative changes” [see submission 349

https://www.parliament.scot/S5_Equal_Opps/equal%20protection%204/344-358.pdf].

Holyrood’s Equalities Committee received submissions from the Crown Office, the Secretary to the Scottish Law Agents Society, and law professor Pamela Ferguson which emphasised that smacking will become a criminal offence if the defence of reasonable chastisement is removed – something that is denied by supporters of this bill.

The Crown Office and Procurator Fiscal stated: “The practical effect of [changing the law] would be that some acts carried out as physical punishment, which may be commonly referred to as ‘smacking’, would no longer benefit from the defence of reasonable chastisement and would fall to be considered in terms of the law of assault as it applies

generally”

[https://www.parliament.scot/S5_Equal_Opps/equal%20protection%207/COPFS_submission.pdf].

And Michael Sheridan, of the Scottish Law Agents Society, told the Committee: “I would not agree that it is appropriate to remove the existing defence which is a wholly appropriate mechanism for restricting unnecessary law enforcement from the private, domestic household where such enforcement would be entirely disproportionate to any possible level of offending created by the bill and which enforcement could destroy family relations and trust”

[https://www.parliament.scot/S5_Equal_Opps/equal%20protection%207/MichaelSheridan.pdf].

As stated above, making smacking criminal will also impact teaching, healthcare, childcare and other public sector professions. Public sector staff accused of using a mild smack will be treated as abusers if the law is changed, leading to job losses and potential staff shortages [<https://www.bereasonable.wales/cwm-taf-foi-response/>]

In New Zealand there has been great confusion following a change in the law, resulting in perfectly innocent parents facing harsh sanctions and unjustified interference in family life [<https://www.bereasonable.wales/wp-content/uploads/2018/02/Chen-Palmer-Opinion-s59-Crimes-Act-January-2018.pdf>].

2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 500 words)

No. It is wholly unrealistic to think that removing reasonable chastisement will not criminalise good parents. Yet supporters of the bill persist in this view.

3 Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

As well as the consequences outlined in the previous answers, it is likely that the implementation of this bill will result in a negative culture change in Wales. Removing reasonable chastisement will encourage the reporting of mild physical discipline, creating an atmosphere of suspicion about parents, and a fear amongst parents that they will fall foul of the law for the most trivial of actions.

In January 2015, former Children’s Minister Leighton Andrews told the Welsh Assembly that: “The effect of amendments [to remove the reasonable chastisement defence] is not only to criminalise smacking, but also any other touching of a child in Wales by a parent for the purpose of administering discipline. The offence of a battery is committed where a person

intentionally or recklessly inflicts unlawful violence on another. Any touching of another person, however slight, may amount to a battery. For example, a parent who forcibly lifts a misbehaving child would be guilty of battery" [National Assembly for Wales, The Communities, Equality and Local Government Committee, 22 January 2015, Page 63].

The Government should be affirming parents in the hugely important task of raising and disciplining their children, whilst recognising that each family takes a different approach. A breakdown in trust between parents and the state, and a breakdown in discipline in Welsh homes will have effects which are felt across society.

David Eberhard, a prominent Swedish psychiatrist, has warned that the Swedish attitude to parenting, which started with a ban on reasonable chastisement in 1979, has led to growing truancy rates, a rise in anxiety disorders amongst teenagers, and a declining performance in international educational league tables.

[<https://www.telegraph.co.uk/news/worldnews/europe/sweden/10421246/Swedish-parenting-has-created-nation-of-brats.html>].

4 Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

The Welsh Government's explanatory memorandum on this legislation predicts that the costs for the police and the courts in Wales during the initial period of implementation will surpass £3 million [<http://www.assembly.wales/laid%20documents/pri-ld12454-em/pri-ld12454-em-e.pdf> P30].

The memorandum also lists a number of "Unquantified costs" including costs to: "Social services as a result of a potential increase in referrals"; "Family courts and 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"; "CPS, as a result of a potentially higher volume of requests, for charging advice from the police"; and a review of "training and guidance offered by organisations involved in safeguarding of children, to ensure they are up to date"

[<http://www.assembly.wales/laid%20documents/pri-ld12454-em/pri-ld12454-em-e.pdf> P32].

This is a significant burden to be placed on services which are already struggling to perform vital tasks. The memorandum also lists "Disbenefits" to the legislation including "the potential impact on a parent charged with the offence of common assault following removal of the defence" and "the potential impact on the child of a parent arrested or charged in this way" [<http://www.assembly.wales/laid%20documents/pri-ld12454-em/pri-ld12454-em-e.pdf> P32].

The true human costs of this legislation are not quantifiable.

5 Other considerations

5.1 Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

There is much misinformation about the law and practice in other countries. Smacking is legal in three-quarters of the 193 states recognised by the UN. What happens in states where laws on smacking have changed sheds little light on what would happen if Wales passed this bill. As the leading anti-smacking academic Elizabeth Gershoff stated in 2008, in most countries where 'bans' have been passed, "these laws appear in the civil law, not the criminal law" [[https://www.parliament.scot/S5_Bills/Children%20\(Equal%20Protection%20from%20Assault\)%20\(Scotland\)%20Bill/SPBill38PMS052018.pdf](https://www.parliament.scot/S5_Bills/Children%20(Equal%20Protection%20from%20Assault)%20(Scotland)%20Bill/SPBill38PMS052018.pdf) Paragraph 29]. But Wales is proposing to use the criminal law.

It is simply incorrect to say that approximately 50 countries around the world have already made this change. The legal changes most have made are not the same as the Welsh Government's bill proposes. For example, the French approach is to simply require marriage registrars to read a line discouraging parents from using "corporal punishment". It has no enforcement provision [<https://www.bereasonablescotland.org/press-releases/a-smacking-ban-in-france-au-contraire/>].

In 2007, Spain brought forward an amendment to its Civil Code on smacking which was "primarily educational" and carries no penal authority [Goicoechea, P H, "Spain: Banning Physical and Humiliating Punishment in the Home", in Durrant, J E and Smith, A B (Eds), "Global Pathways to Abolishing Physical Punishment: Realizing Children's Rights", Routledge, 2013, page 238].

The UNCRC commends Hungary for legislating against smacking but "regrets that the prohibition is not implemented" [<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsnHFwMhaZ6UbKzjXRlmgYBUerx14%2FpljDwTZuM1h%2BdsZQ8cUZpbv04sds%2BJj6dXLS%2B0j2Oa%2BqeLHjq0RMqhWno0UuJ2FfrAAINgTqz7YrQ>]. Poland is likewise ordered to "Ensure that the prohibition of corporal punishment is adequately monitored and enforced in all settings" [<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsnHFwMhaZ6UbKzjXRlmgYBUerx14%2FpljDwTZuM1h%2BdsZQ8cUZpbv04sds%2BJj6dXLS%2B0j2Oa%2BqeLHjq0RMqhWno0UuJ2FfrAAINgTqz7YrQ>]. These countries are applauded for having 'smacking bans' in place, but the reality on the ground suggests otherwise.

Some support the bill because it aims to drive behaviour change. Germany banned smacking in 2000 but in 2012 a survey found four in ten parents still used it

[<https://www.dw.com/en/nearly-half-of-german-parents-hit-their-children/a-15806121>]. New Zealand passed a ban in 2007 [<https://endcorporalpunishment.org/reports-on-every-state-and-territory/new-zealand/>]. In a 2009 referendum 87.4% voted against the ban [https://www.electionresults.govt.nz/2009_citizens_referendum/2009_referendum_results.html]. (Politicians have so far ignored the result.) Polling in 2016 showed 65% would ignore the law [<https://www.familyfirst.org.nz/wp-content/uploads/2017/01/Anti-smacking-Law-Results-2016.pdf>].

Consultation on the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

Tystiolaeth i'r Pwyllgor Plant, Pobl Ifanc ac Addysg ar gyfer craffu Cyfnod 1 (Saesneg yn unig)	Evidence submitted to the Children, Young People and Education Committee for Stage 1 scrutiny
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Organisation: Equal Protection Network Cymru

1 The Bill's general principles

1.1 Do you support the principles of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill?

Yes.

1.2 Please outline your reasons for your answer to question 1.1

We support the Bill and believe that it will achieve the stated aim of abolishing the defence of 'reasonable punishment' with the intended effect of prohibiting the physical punishment of children in Wales. This will improve child safeguarding and protect children's rights. The 'reasonable punishment' defence contained in Section 58 of the Children Act 2004 is a breach of the universal human right to protection from violence. We agree that removing this defence, which only applies in cases of assaults against children, would not create a new offence but would extend to children the protection the law already gives adults, giving them equal protection from physical punishment. We welcome the clarity in Section 1 of the Bill as introduced.

We believe that removing the defence of 'reasonable punishment' available to parents and some others acting in loco parentis charged with assault of a child is a necessary step because:

- 1 All adults are protected from physical punishment by the law. The existence of the 'reasonable punishment' defence in the Children Act 2004 is an anachronistic anomaly which fails to respect children's human rights and leaves vulnerable children at risk.

Removal of a defence that has no place in 21st Century Wales is the logical next step.

- 2 Extensive research evidence shows that not only is physical punishment ineffective in managing children's behaviour, but it can cause considerable harm (see for example Heilmann, A., Kelly, Y. and Watt, R.G. (2015) *Equally protected?: a review of the evidence on the physical punishment of children*. London: NSPCC. <https://learning.nspcc.org.uk/research-resources/2015/equally-protected/> and Gershoff, E. T., & Grogan-Kaylor, A. (2016). Spanking and child outcomes: Old controversies and new meta-analyses. *Journal of Family Psychology*, 30(4), 453-469. https://www.researchgate.net/publication/299992592_Spanking_and_Child_Outcomes_Old_Controversies_and_New_Meta-Analyses).

The more than 250 studies covered by the Global Initiative to End All Corporal Punishment of Children's review of research (<https://endcorporalpunishment.org/resources/research/>) on the impact of such punishment show a wide range of negative outcomes for children, parents, families and wider society.

- 3 Professionals working with families – such as health visitors and family centre staff - sometimes see parenting behaviour they are concerned about. At the moment it's hard to give a clear, unequivocal message to the people they are supporting because the law is unclear. Where children are at risk of abuse delaying due to uncertainty could have devastating consequences. All the main child abuse cases that have caused public outrage in recent years – such as Victoria Climbié, Baby Peter Connolly and Daniel Pelka in England, and Yaseen Ali in Cardiff - have had physical punishment as a factor and in many cases neighbours, members of the public, the wider family, or professionals had concerns but felt unable to act.
- 4 It is misleading and unfair to both children and their parents to retain a legal defence that may be seen to condone something potentially harmful, that makes family life more stressful and benefits no-one.
- 5 There is a significant and growing body of evidence to inform our parenting, particularly in the early years. Evidence from psychology and neuroscience has contributed to our understanding that children learn best and thrive within safe, nurturing relationships. Physical punishment as a means of discipline goes against this body of scientific knowledge.

- 6 Physical punishment of children is already banned in schools, in day care and for children looked after in foster care or children homes. This reform will close the loophole that currently allows adults acting in loco parentis in “non-educational settings” (such as Sunday Schools and Madrassas) to use the ‘reasonable punishment’ defence.
- 7 Under the UN Convention on the Rights of the Child (UNCRC), to which the UK government is a signatory, children in Wales have a right to be protected from abuse (Article 19) and to be protected from torture or other cruel, inhuman or degrading treatment or punishment (Article 37). The UN Committee on the Rights of the Child has repeatedly called on the UK to enact legal reform to remove the defence of reasonable punishment and afford children the same protection from assault as adults. This legislative reform will fulfil our government’s obligations under these UNCRC Articles, which state that governments ‘must ensure’ and ‘take all appropriate legislative, administrative, social and educational measures’ to protect the child.
- 8 The UNCRC states that the Convention rights apply to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or family background (Article 2). Articles 3 and 4 state that the best interests of the child must be the priority for governments and that they must do all they can to ensure that every child’s rights are respected, by passing laws to promote and protect those rights. This reform will give all children in Wales the same level of protection.
- 9 Articles 8 and 9 of the European Convention on Human Rights (ECHR) are qualified rights. Any limitations removal of the ‘reasonable punishment’ defence place upon individual enjoyment of those rights are necessary in order to protect an absolute right of others (Article 3, ECHR) and for the wider good and are lawful, necessary and proportionate.
- 10 Removal of the defence of ‘reasonable punishment’ will raise the status of children and will contribute positively to how they are viewed and treated in society. It will help promote children’s rights in Wales and is consistent with the ‘due regard’ duty in the Rights of Children and Young Persons (Wales) Measure 2011.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

Yes, we believe that legislation is necessary because:

(a) Physical punishment of children is a public health issue

The law has a role in setting standards of behaviour and this applies not only in relation to criminality, but also to tackling key public health issues as already seen with the laws to ban smoking in public places and to make the wearing of seat belts in cars compulsory. There is strong evidence that not only does physical punishment of children have no benefits, but it has the potential to cause long-term harm (see responses to Question 1.2 above and Question 4.1 below), which may have consequences into adulthood.

This makes it a public health - not a private - matter on which governments need to lead rather than be led by public opinion. This has been the case in the 54 countries that have already legislated. Removing the 'reasonable punishment' defence will help professionals working with children and their families to give an unequivocal message, it will support cultural change and give a clear message that physical punishment is not acceptable.

(b) Legal clarity is needed to support public education and professionals working with families

International experience shows that public education alone does not achieve the desired change in behaviour. While Welsh Government's own research and the experience of Equal Protection Network Cymru member organisations is that parenting behaviour is changing significantly, reform is needed in order to reach the parents who are most resistant to positive parenting messages, to encourage parents who may use physical punishments only under stress to recognise that they need to take steps to address what is happening, and to allow earlier intervention where a child is at risk of abuse.

(c) The current law fails to protect vulnerable children who are at risk

The vulnerability of children makes it even more vital that the law protects them if they are subject to physical abuse, making the existing anomaly of giving them less legal protection illogical. The existence of the 'reasonable punishment' defence undermines child protection and fails to protect children because:

- Research shows that, because it is ineffective in changing long-term behaviour, some parents escalate from 'mild' smacking to serious assaults.
- It permits an arbitrary level of violence which invades children's physical integrity, making it a potential pathway to more serious physical or sexual abuse.
- Professionals working with families are unable to deliver clear messages that hitting and hurting children is not allowed.
- Children don't report something they are told is permitted by the law or can be justified.

- Those witnessing violence to children have little confidence in either intervening themselves or reporting it to the authorities.
- Parents receive confusing messages about the legitimacy of hurting their children.
- It fails to protect children from painful, dangerous, humiliating or frequent assaults and sends them the message that hitting people is acceptable.
- It undermines initiatives to reduce domestic abuse and tolerance of violence in society in general because it is inconsistent with the message that it is never acceptable to try and control another person's behaviour by hitting or hurting them, and that they have a right to 'Live Fear Free'. It establishes a narrative that sometimes people 'deserve' to be hit or hurt.

(d) The existence of the 'reasonable punishment' defence is a breach of children's human rights

The human rights imperative to legislate is clear. Protection from physical violence is a universal human right.

In 2006, the UN Committee on the Rights of the Child adopted General Comment No. 8 (**General Comment No. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)** (CRC/C/GC/8)) on the right of the child to protection from physical punishment and other cruel or degrading forms of punishment: addressing corporal punishment of children is, the Committee states, "a key strategy for reducing and preventing all forms of violence in societies" and children should have at least the same level of protection as adults. If punishing an adult physically is prohibited, it is unacceptable that the law apparently condones such punishment of a child.

The UN Committee on the Rights of the Child has made it clear that all physical punishment, however light, constitutes violence against children. It has specifically addressed the issue of 'reasonable punishment' and similar legal defences, emphasising that "the Convention requires the removal of any provisions (in statute or common - case law) that allow some degree of violence against children (e.g. "reasonable" or "moderate" chastisement or correction), in their homes/families or in any other setting".

The UK as the State Party has been told repeatedly by international human rights treaty bodies that it must remove the defence of 'reasonable punishment.' Such recommendations come from bodies including:

- UN Committee on the Rights of the Child (four times: 1995, 2002, 2008 and 2016).
- UN Human Rights Committee (2015).

- UN Committee on Economic, Social and Cultural Rights (twice: 2002 and 2009).
- UN Committee Against Torture (2013).
- UN Committee on the Elimination of Discrimination against Women (twice: 2008 and 2013).
- European Committee of Social Rights (three times: 2005, 2012 and 2015).

The UK has also received repeated recommendations from other states to prohibit all corporal punishment in the Universal Periodic Review by the Human Rights Council in Geneva (three times: 2008, 2012 and a record seven recommendations in 2017).

International human rights bodies are unequivocal in stating that children have the same right to legal protection from assault as adults. The right applies no matter where a child is born, what culture they are raised in or what religion they or their family follow – all children have the right to protection from violence (UNCRC, Articles 2, 3, 4).

The research evidence showing the damaging impacts of physical punishment is compelling and demonstrates the strength of the public health, parenting and child protection case for reform. The fundamental issue, however, is one of the human rights of children.

2 The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill?

We do not foresee any potential barriers to implementing the Bill, although we recognise that there are a number of issues which will need to be specifically addressed in order to facilitate its effective implementation. Experience from other countries that have introduced similar reforms, as well as experience in Wales when legislation has been introduced – for example on smoking in public places or in cars carrying children – is encouraging. It is likely that the decreasing percentage of parents who still occasionally smack will be guided by the law and that use of physical punishment will become even less prevalent. Adequate information and support will be needed as well as training for professionals and practitioners who may have anxieties about the change. The focus should remain on positive approaches to raising children, not on alternative punishments.

The key issues which we believe need to be adequately addressed are:

1 Effective public education

We recognise that Welsh Government has taken significant action over a period of many years to promote positive parenting messages, however we are concerned that the reach of the key mechanisms identified in the Explanatory Memorandum for promotion of the messages in relation to implementation of the legislation is limited. Great emphasis needs to be placed on integrating the message into the public education messages across governmental departments. While we welcome the Welsh Government's Parenting. Give it time. initiative, its reach is limited.

2 Engagement with universal services

The percentage of parents who access Flying Start or programmes funded through Families First is small, so engagement with the services which engage with virtually all parents and families, such as health and education professionals is essential. Midwives, health visitors, and GPs, as well as childcare providers, teachers and other staff working in schools and education are key communicators with parents - including those who are hard to reach - and need to be engaged and skilled up to provide clear support and advice to parents. Research tells us that universal services are best placed to reach out to families who live on the margins with, for example, a trusted health visitor delivering key messages about the parenting of children.

3 Reassuring families and countering misleading information

In Wales as in many other countries there has been some anxiety about how the change in the law would work in practice and what this means for ordinary families, some of whom may currently use physical punishment in the mistaken belief that it is an effective form of discipline. We are encouraged that Welsh Government is looking at this as part of its communications strategy, but remain concerned that some parents will become unnecessarily worried about the impact of the change in the law because of misleading information from some who argue against this reform.

We agree with the Welsh Government's statement in the Explanatory Memorandum that the removal of the defence will not prevent parents from intervening in order to keep their child safe, to move them from danger or to prevent their child from causing harm to another person or property. Such physical interventions are not punishments. Normal parenting behaviour would not be affected by removal of the defence.

4 Reaching those who are 'hard to reach'

During the implementation period, promoting information about the change in legislation through professional groups and organisations working with parents and

carers will be important. This is particularly the case for families whose material circumstances or health needs, or their language or culture, mean that they do not routinely access mainstream sources of information and services.

Clear guidelines need to be in place for professionals to convey the information appropriately and effectively and the part played by face-to-face interactions in informing parents, the wider family and communities should not be ignored. In the lead up to implementation specific efforts need to be made to reach those who are receiving, or require, support and challenge in relation to their child management behaviours. They may be the most vulnerable to prosecution if they currently use physical punishment and are therefore a key cohort to be supported to understand the meaning of the change. The removal of the ambiguity engendered by the current legal position will help staff to provide a clear message that there is no reason to physically punish children. It's likely that a clear message will also be helpful for those parents and carers receiving services.

5 Tracking progress

Given Welsh Government's commitment to prohibiting the physical punishment of children there needs to be a way of measuring the impact of the change in the law and any associated public education initiatives. Few of the countries who have changed the law have ensured that mechanisms for tracking progress are in place from the outset. Part of the remit of the Equal Protection Network Cymru is to consider how this can be achieved in the longer term. However, through a baseline study on prevalence followed by regular follow-up studies the impact of public education work can be monitored and any priority areas identified or gaps addressed during the period before the reform comes into force.

2.2 Do you think the Bill takes account of these potential barriers?

Yes, to the extent that any short Bill can. The Explanatory Memorandum together with the Welsh Government's 2018 consultation document Legislative Proposal to Remove the Defence of Reasonable Punishment evidences the breadth of issues considered as part of the process of developing the legislation. Members of the Equal Protection Network Cymru have been involved in a wide range of work in related areas since devolution. Wales is in a fortunate position in comparison to many other countries that consider reform. Often there is little time to consider preparatory work in advance, or the reform comes – as was the case in Lithuania – following the tragic death of a young child. As stressed in response to the

previous question, public education and adequate support for professionals, as well as families, to accompany reform is a key mechanism for overcoming barriers.

3 Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

No. The Explanatory Memorandum evidences detailed discussions between Welsh Government and the public bodies that will be affected and the Regulatory Impact Assessment forecasts potential costs. Both the Explanatory Memorandum and the public consultation document and process demonstrated the consideration given to wide range of possibly unforeseen impacts and potential pitfalls. International experience of introducing similar reforms is overwhelmingly positive.

In each of the 54 states legislation was enacted ahead of public opinion, with governments and legislatures showing strong leadership. It is worth noting that in not one of those countries has reform been reversed, even after a change of government or when campaigns to undermine or repeal the law are ongoing. Neither have concerns about mass prosecutions or increasing numbers of unruly children been shown to have been valid once the law was in place. Parents are still be able to keep their children safe and teach them right from wrong.

Fears that there will be huge increases in inappropriate convictions for 'trivial smacks' haven't been borne out. The main purpose of changing the law is to stop children being hit or hurt in the first place, to change behaviour and help families get support; not to prosecute parents after the event. Public education and parenting programmes have a significant part to play, and we have already made a lot of progress on this in Wales.

International experience shows that after changing the law, fewer and fewer parents use physical punishments and attitudes change. We know that attitudes are already changing in Wales. The vast majority of parents will be guided by the law.

4 Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)?

The assessment of the financial implications of the Bill appears comprehensive, however we believe that some of the long-term potential cost savings of earlier intervention may offset some of the costs identified.

In response to Question 1.2 we reference the growing body of research evidence on the potential negative effects on a child of experiencing physical punishment. The effects which currently result in a demand for a range of services and resources include:

- Direct physical harm.
- Indirect physical harm - unintended accidents and injuries as a result of misjudged smacks (e.g. a child falling or moving away from a smack).
- Increased aggression in children.
- Poor moral internalisation and increased antisocial behaviour.
- Perpetration and experience of violent, antisocial and criminal behaviour in adults.
- Normalisation of casual violence as an appropriate way of controlling the behaviour of others, particularly family members.
- Psychological harm and long-term impacts on self-esteem, well-being and mental health.
- Impaired cognitive development.
- Damage to the parent child relationship.

The services currently dealing with the consequences of the effects of physical punishment include:

- Schools and teachers
- Midwives and health visitors
- GPs
- Hospitals, ambulance and other emergency services
- Services for pupils with additional learning needs
- Child and adolescent mental health services (CAMHS)
- Adult mental health services
- Drug and substance misuse services
- The Police and criminal justice
- Local authority children's services, child protection and the Family Court
- Domestic abuse services
- Family support services
- Housing and community support services

Removing the 'reasonable punishment' defence would have a positive impact on the effective delivery of the above services and a consequent reduction in demands on resources.

While some of the consequences listed above result from persistent or serious use of hitting and smacking as a form of punishment, and an associated negative parenting style, it is important not to fall into the trap of an 'it never did me any harm' argument. Laws need to apply across the population.

This legislative change will enable earlier intervention in the lives of children experiencing physical abuse and will reduce the cost of late intervention services.

Figures obtained by the NSPCC from the Early Intervention Foundation found that the overall financial cost of late intervention with children and young people to Wales was £1.15bn in 2014/15.

There is no such thing as a safe smack and no one can predict what the threshold for causing psychological and emotional harm will be for an individual child or which parents do or don't know when they have crossed the line or can make that judgement under extreme pressure. Lessons learnt in childhood, including the lesson that deliberately hurting or hitting another person can be an appropriate way of expressing displeasure or controlling their behaviour, can last a lifetime.

Wales' first Adverse Childhood Experiences (ACEs) survey interviewed approximately 2,000 people (aged 18-69 years) from across Wales at their homes. The report published in 2015 (<http://www.wales.nhs.uk/sitesplus/888/page/88504>) identified that substantial proportions of the Welsh population suffered ACEs during their childhood with almost half of those surveyed (47%) reporting having experienced at least one ACE and 14% experiencing four or more ACEs. One of the ACEs is physical abuse and the research found that 17% of adults in Wales experienced physical abuse during their childhoods. It also shows that ACEs increase individuals' risks of developing health-harming behaviours – compared with people with no ACEs, those with 4+ ACEs are 15 times more likely to have committed violence against another person in the last 12 months, 16 times more likely to have used crack cocaine or heroin and 20 times more likely to have been incarcerated at any point in their lifetime. We believe that this legislative change will lessen parent's use of physical punishment and also reduce the number of children experiencing physical abuse.

5 Other considerations

5.1 Do you have any other points you wish to raise about this Bill?

We welcome this legislation and believe that it will make a significant difference to the lives of children and families in Wales. We hope that there will not be a prolonged delay before its provisions come into force.

Information about Equal Protection Network Cymru

The Children's Equal Protection Against Physical Punishment Network Cymru – known as Equal Protection Network Cymru or Rhwydwaith Amddiffyniad Cyfartal Cymru - is a newly formed network of organisations, professional associations, practitioners and academics working to support the effective introduction, implementation and longer term evaluation of legislation to give children and young people in Wales the same level of protection from physical punishment as is currently enjoyed by adults.

Equal Protection Network Cymru is in many respects a successor organisation to the 'Sdim Curo Plant/Children are Unbeatable Cymru (CAU Cymru) alliance, although there will be differences in its membership and remit. The principal aim of the CAU Cymru alliance was achieved when Welsh Government made the commitment to legislate and their public consultation exercise was concluded in April 2018, after which funding for the policy advocacy work of CAU Cymru ceased. CAU Cymru continues as a volunteer-led social media campaign supportive of the Children Wales Bill and of positive approaches to raising children. The new Equal Protection Network Cymru will ensure that the multi-disciplinary, evidence-based, co-ordinated and collaborative model which worked successfully during the campaign for legislation is replicated and built upon during the next stage in achieving this important milestone for children's rights and protection from violence and abuse.

Consultation on the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

Tystiolaeth i'r Pwyllgor Plant, Pobl Ifanc ac Addysg ar gyfer craffu Cyfnod 1 (Saesneg yn unig)	Evidence submitted to the Children, Young People and Education Committee for Stage 1 scrutiny
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Organisation: Children's Commissioner for Wales

1 The Bill's general principles

1.1 Do you support the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill?

Yes

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1000 words)

The Bill is intended to protect and promote children's rights; as Children's Commissioner for Wales it is incumbent upon me to safeguard and promote the rights and welfare of children in Wales and I wholeheartedly welcome this Bill.

The Explanatory Memorandum that accompanies the Bill says that it "will prohibit the physical punishment of children in Wales by abolishing the defence of reasonable punishment." This is clearly what the Bill does in Section 1.

Removal of this defence is directly related to children's rights under the United Nations Convention on the Rights of the Child (UNCRC). In Wales, due regard for children's rights has been brought into law through the Rights of Children and Young Persons (Wales) Measure 2011. Commitment to children's rights requires more than just words however; the State is required to take action to protect children's rights and the Bill is a clear example of this.

At present children have less protection against physical punishment than adults due to the existence of this defence. Usually we give children more protection in law and the preamble to the UNCRC affirms that children need special safeguards including legal protection. The existence of this defence is a fundamental breach of the right to be kept safe from harm.

The Bill, as currently drafted, is clear and straightforward and every effort should be made to protect its clarity. In Wales, we should avoid finding ourselves in similar situations to

those found in Scotland (in 2003) and previously in New Zealand, where the legislation was amended to restrict the availability of physical punishment to specified circumstances. However, the ultimate impact was to create a 'list' of circumstances in law by which it was therefore deemed acceptable or 'justifiable' to hit a child. Legally it was far more complicated than the position has been previously.

"Reasonable punishment" is not a defined or well understood term either. What is reasonable to one person might be entirely unacceptable to another. Despite some examples in case law, there is no agreed 'list' of actions that would or would not be classified as "reasonable" in England and Wales. This creates a grey area in the law, as it is not immediately clear what would be "reasonable" in any given circumstances. Removal of the defence will create greater clarity for professionals and for parents, as it will no longer be acceptable to hit a child in any circumstances.

The removal of the defence altogether provides clarity to parents and to professionals whose job it is to offer support and guidance to parents, as the message will then be that it is never reasonable to hit a child. This can then lead on to conversations about other forms of discipline that will be more effective, as part of a streamlined and clear message on all types of physical harm.

The Explanatory Memorandum and Children's Rights Impact Assessment both clearly restate the fact that removal of this legal defence is consistent with the Welsh Government's commitment to children's rights under the UNCRC. I would add to this that the UN Committee on the Rights of the Child has repeatedly called for all forms of physical and corporal punishment to be outlawed. The UNCRC defines corporal or physical punishment as "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light".

The Committee's most recent Concluding Observations from 2016 say the following in relation to corporal punishment:

"40. With reference to its general comment No. 8 and its previous recommendations, the Committee urges the State party, in all devolved administrations, Overseas Territories and Crown Dependencies, to:

- (a) Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as "reasonable chastisement";
- (b) Ensure that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care;
- (c) Strengthen its efforts to promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to eliminating the general acceptance of the use of corporal punishment in child-rearing."

In line with the simplicity of the drafting of the Bill, the only power to make subordinate legislation is for Welsh Ministers to designate the commencement arrangements. Given the limited scope and aims of this Bill, I see this as entirely coherent and appropriate. This does not mean that there won't be any training, guidance and awareness raising activity; on the contrary the explanatory memorandum sets out clearly the proposals in this regard. The Government also intends to convene a multi-agency group to work through implementation ahead of the commencement date and I would expect to be a part of that work also. Scotland also has an implementation group that has begun to meet as the Bill passes through Stage 1 there.

I do not believe the Bill itself needs to include awareness raising activity in order for it to take place; I could use my own role to hold the Government to account against these publically stated proposals were they not to take place. I took a similar view in my recently submitted evidence to the Constitutional and Legislative Affairs Committee in their stage 1 scrutiny as regards political education. I was clear that political education is a key component of developing and implementing the Votes at 16 policy; I would not expect to see this within the Bill itself but would hold the Government to account on their commitments if this were not brought forward following the passage of any Bill.

It is notable that previous attempts to insert clauses into other 'related' legislation in Wales such as the Social Services and Well-being (Wales) Act 2014 and the Violence against Women, Domestic Abuse and Sexual Violence Act (Wales) Act 2015, were unsuccessful. In part this may have been a consequence of the fact that those Bills had broader aims than simply to protect children's rights by removing this legal defence. It is therefore appropriate and proportionate for this single issue Bill to be brought forward to fulfil the commitments made on this topic.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

(we would be grateful if you could keep your answer to around 500 words)

The Explanatory Memorandum includes consideration of the options open to the Government. The conclusion, rightly so in my view, is that this change can only be achieved through legislation. This does not amount to the creation of a new criminal or civil offence; it is simply the case that the existing statute can only be amended by further legislation being enacted. Section 58 of the Children Act 2004 as it currently exists states that the defence of reasonable punishment cannot be used in relation to offences of wounding, grievous bodily harm, actual bodily harm or cruelty to persons under 16. This Bill will ensure that the defence can no longer be claimed in Wales in relation to common assault either.

Notwithstanding this, the explanatory memorandum recognises the continued role of the Common Law in England and Wales; this will still exist and remains unaltered by these proposals. Due to the history of our legal system, we do not have a 'codified' set of all of the laws; some laws have evolved through decisions in cases (which are referred to as Common Law). Whilst countries with codified laws may arguably have more clarity in relation to the definition of offences, we do not have such a system here in the UK. There are benefits to a common law system however, as real life circumstances help to illustrate or bring to life the application of the law in a given case. It also allows the law to develop appropriately in line with changing cultural and societal perceptions, through interpretation of human rights laws and treaties into the existing laws for example.

The common law in relation to assault cases and children also assists in clarifying that often cited actions such as stopping a child from going into the road or touching a pan of hot water are not in fact inflicted acts of assault but actions designed to keep a child safe. It is clear from the common law that it is not the case that no person can ever touch another person, particularly a child. It is about physical punishment or harm as opposed to any physical contact. The purpose of the law is to prevent a person from harming someone else by the immediate infliction of unlawful force as a punishment.

Preventing a child from going into danger, such as stepping into a busy road or touching a hot surface does not require the infliction of unlawful force, and is a different sort of action entirely. Those actions therefore do not fall within the definition of an assault in statute or the common law, and never have done. As such, a parent stopping a child from stepping out into the road would not fall within the criminal law. Deliberately hitting a child to 'punish' them may however be classed as an assault if inflicted with unlawful force. The key point is whether it is significant harm and/or whether the action is intended as a punishment or to keep a child safe.

2 The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

As noted above the Bill itself removes a defence from the law in Wales. This would mean that the laws for England and Wales would diverge slightly on this particular topic. Now that the National Assembly for Wales has full law making powers for Wales, divergence in the laws in England and Wales will only increase. This in itself is not an argument against bringing forward such a change.

Whilst not in my view a barrier as such, it is clear that the relevant guidance for the Police and Crown Prosecution Service will need to be updated, such as the Charging Standards Guidance.

As was the case in Ireland, the Bill simply removes the 'reasonable punishment' defence from the law.

As such, the criteria upon which the Police and Crown Prosecution Service investigate and make charging decisions in any cases (including physical punishment and common assault) will not change. The Code for Crown Prosecutors states that a decision to prosecute any type of case can only be taken after a two-stage test has been satisfied; i) the evidential stage and ii) public interest. The evidential test requires prosecutors to be satisfied that there is sufficient evidence to provide a "realistic prospect of conviction" against each suspect on each charge. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

In every case where there is sufficient evidence to justify a prosecution, prosecutors must then go on to consider whether or not a prosecution is required in the public interest, which includes the best interests of the child themselves. In some cases, the prosecutor may be satisfied that the public interest can be properly served by offering the offender the opportunity to have the matter dealt with by an out-of-court disposal rather than bringing a prosecution. This second stage also requires prosecutors to consider whether a charging decision would be proportionate. The two stage test will not be altered under these proposals, and the best interests of the child will remain a paramount consideration in applying the test, as required by the Children Act 1989 and the UNCRC.

54 countries around the world have already prohibited physical punishment and there has been no evidence of significantly increased prosecution of parents in these countries following the change in law.

The relevant Codes of Practice and charging standards will need to be updated to reflect the change of the law in Wales. The Explanatory Memorandum states that the CPS will take the defence into account when deciding whether or not to charge, if it is 'likely to be successful', although I have been unable to find this within the Charging Standards for Offences against the Person. It is clear that the Standards would have to be updated to reflect the change in the law. In his evidence to the Commission on Justice, the Chief Crown Prosecutor for Wales stated that "we see no difficulty in adopting a slightly different approach in Wales".

On 21st March 2019, the Equalities and Human Rights Committee of the Scottish Parliament took evidence from two panels; the first included Andy Jefferies from Social Work Scotland and the second included John McKenzie representing Police Scotland. Both were supportive of the Bill and did not anticipate any changes to how their agencies work when the Bill is implemented. This is because they already work in a multi-agency process similar to the way that Police and Social Services in Wales are required to hold strategy discussions or meetings

in relation to referrals that meet a certain threshold. They, together with other partner agencies, will decide the best course of action and which agency or agencies should take the matter forward. The processes followed are set out in the All Wales Child Protection Procedures 2008. John McKenzie commented that even though the defence exists now, whether or not there is a defence should have no impact on the process that the agencies follow. The same should be true here in Wales.

In relation to the commencement of the Bill, I note from Section 2(2) that the substantive provision of the Bill (section 1) would come into force "on a day appointed by the Welsh Ministers in an order made by statutory instrument." I note and understand the requirement to have a suitable period post Royal Assent (should the Bill pass) in order to do the training, awareness and updating of documents referred to above. I would however like to see this commitment delivered within this Government's term of office if at all possible. It might be preferable to specify a commencement date or period after which commencement will take place, in order to ensure the Bill does come into force. I understand that the Bill in Scotland is proposed to be implemented 12 months after Royal Assent.

2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 500 words)

In order to achieve change, it is recognised in the Explanatory Memorandum that it will be important to undertake a significant awareness campaign alongside the legal changes, but it would not be possible to change attitudes and behaviours by awareness raising only. If anything it could be more confusing, as a campaign without a corresponding law change would appear contradictory to the legal position that would still otherwise allow parents or those acting in loco parentis to claim a physical punishment of their child was reasonable.

Equally Protected? A review of the evidence on the physical punishment of children found that there is strong and consistent evidence from good-quality research that physical punishment is associated with increased childhood aggression and antisocial behaviour. "In other words, parents who are using physical punishment in response to perceived problem behaviour are likely to make it worse". Physical punishment also affects children's emotional and mental health.

The second of the report's four policy recommendations was that "Legislation should be accompanied by large-scale information and awareness campaigns to inform the population of the merits of positive parenting and the harm caused by physical punishment. These should be aimed at different levels: individuals, communities and the whole population." This was based on research relating to some of the 54 countries who have already prohibited the use of physical punishment of children in all settings has expressly considered whether

legislation, awareness and education, or a combination of the two is the most effective way to achieve cultural change.

The key messages were as follows:

- In many countries, including the UK, the prevalence of physical punishment is declining and public attitudes have shifted, with the use of physical punishment becoming less and less acceptable and a high proportion of parents doubting its usefulness.
- There is convincing evidence that declines in physical punishment are accelerated in countries that have prohibited its use, and that such laws have important symbolic value.
- Legal bans in many countries have been implemented without a majority of public support.
- There is evidence that the passage of legislation in combination with public awareness campaigns leads to a change in public attitudes.

The Explanatory Memorandum for the Bill also refers to the 2018 PPIW (as they were then known) report 'Legislating to Prohibit Parental Physical Punishment of Children'. This report found that knowledge is less widespread where a change in the law is not accompanied by a publicity campaign or a campaign is not sustained. The available evidence strongly favours the use of legislation alongside campaigns.

There are further benefits to introducing this legislation. Evidence published in the British Medical Journal in October 2018 highlighted research findings that among the 54 countries or territories which have banned physical punishment, many have experienced a reduction in youth violence:

"The association appears to be fairly robust... the 30 countries that have passed laws banning such punishment in schools or in homes have significantly lower rates of fighting among adolescent – 69% for males and 42% for females - compared to the 20 countries with no such bans."

In the context of policy developments in Wales related to Adverse Childhood Experiences and developing awareness of the impact of early childhood trauma, it is important to break the cycle of unhealthy behaviours that can impact on the person themselves as they grow up but also on future generations. This Bill has the potential to have a positive impact on levels of violence in future, as the research indicates.

3 Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

The Bill is part of a wider package of measures the Welsh Government is proposing to support children and their parents. Support for parents will continue to be provided, including the positive parenting campaign, and services delivered by partners in local government, health, education, social services, social justice and the third sector. Universally accessible services include services provided by the Family Information Services, GPs, health visitors and midwives. In addition, more targeted interventions, such as Flying Start and Families First will continue to offer support and advice to parents.

Positive Parenting techniques are considered to be more effective than physically punishing a child, as well as not causing them physical and/or emotional harm.

The budget for local authorities and health services comes from the Welsh Government, so if additional funding will be required to facilitate awareness raising and the continuation of universal services, this is within the control of the Government to allocate. The budgets for future years when the plans are likely to come into effect will not yet have been set. In 2018 I gave written and oral evidence to three Assembly Committees on the importance of children's budgeting and using a rights based approach in doing so. Considering the impact on children's rights of individual or a collection of budget decisions allows the Government to maximise the allocation of resources to promote and uphold rights. A rights based budget analysis would ensure that the Government continues to take forward their commitments to children's rights as part of the wider package of measures related to this Bill.

I anticipate that the Committee and other Assembly Members will be keenly interested in the potential impact of the proposals on public services and professionals.

The Police, the Crown Prosecution Service and Social Services already receive and investigate reports of children being physically punished, and they determine these on a case by case basis, looking at all of the circumstances and taking into account the child's best interests.

At present the defence of reasonable punishment requires a subjective judgment to be exercised by the Police and CPS, in determining what is "reasonable" in the case. Removal of this defence would mean that there is more clarity in the criminal law for both parents and professionals. It is clearly understood that it is not acceptable to hit an adult under any circumstances, and the same should be the case for children.

Even if a parent has hit their child, this would still not automatically result in them being charged and prosecuted; as noted above there are a number of considerations to be worked through. Public service agencies will continue to work together and refer parents to the most

appropriate avenue in order to gain help and support with any challenges that they might be facing.

I understand that there may be concern that parents will be 'criminalised' by the removal of this defence. John McKenzie from Police Scotland commented in his recent evidence to the Scottish Parliament that he could not see how the Bill (in Scotland) in itself would criminalise parents.

In oral evidence to the Commission on Justice in Wales in 2019 the Chief Crown Prosecutor for Wales suggested that the number of cases these changes are likely to affect is "probably in single figures". Cases that do meet the high evidential and public interest thresholds would, given all of the criteria, necessarily be very serious. On that basis a prosecution may well be justifiable. I note from recent evidence given to the Scottish Parliament's Equalities and Human Rights Committee by Jillian van Turnhout (the Senator who took the proposals through in the Republic of Ireland), that there has only been one known prosecution since the defence was abolished in Ireland. In that case, a member of the public made the report to social services after witnessing a child being severely hit in a public car park. When this was further investigated it was found that this was not a one off incident; the child had suffered "significant abuse".

Social services' remit will not change as a result of these proposals and neither will the threshold for initiating child protection procedures or taking a child into care. A child has to be at risk of suffering or have suffered significant harm as a result of the actions of their parents. There is a wealth of case law on what is meant by 'significant', but it has to be more than trivial or unimportant, having regard to any associated trauma and the potential emotional or psychological consequences of the harm. In any case taken to court it is for the Judge to determine whether or not the harm is significant. It is then a separate decision as to whether or not the child should be removed from their parents' care; this does not automatically follow.

As of 6th April 2016, social workers and other professionals ("relevant partners") are under a duty to inform the local authority if they have reasonable cause to suspect that a child in their area is at risk of abuse or neglect, or is in need of care and support (Section 130 of the Social Services and Well-being (Wales) Act 2014). There is a similar duty to report where adults are suspected to be at risk of abuse or neglect, in Section 126. However, this does not automatically mean that social services will intervene. The local authority will, as they currently do, consider the nature of the report and the circumstances, and apply their usual thresholds for assessments and/or signposting to appropriate support services.

When I've spoken to lead professionals for the police and children's social services across a number of years, they have welcomed the clarity that the removal of this defence would bring. The development of suitable materials and resources to work with parents in a different way will reinforce this. In her recent evidence in Scotland as above, Jillian van

Turnhout noted that she had contacted different civil society organisations and state agencies in Ireland ahead of the session, and they were all still positive about the clarity that was brought by the change in law. "It has helped social workers with their relationships with parents. Social workers tell me that previously when they met parents and the moral discussion started about whether a parent can or cannot hit their child, they had to say, "Well, I don't think it's a good idea," but they could not be authoritative about that, whereas now they can say, "You're not allowed to hit your children, so let's talk about what you can do."

4 Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

Funding this Bill and the associated costs related to training and awareness raising, can in my view be legitimately considered as preventative spend by the Government. This is because the Bill aims to change behaviours and result in fewer children suffering harm and early childhood trauma as a result of being hit. This is likely to have an impact later in life in terms of their behaviours and resilience. The Equally Protected? report referred to above noted that there is strong and consistent evidence for a link between physical punishment and childhood aggression, antisocial behaviour and delinquency. Physical punishment tends to exacerbate existing problem behaviour, and can lead to a cycle of conflict. Childhood physical punishment can also be linked to adult aggression and antisocial behaviour, including aggression and sexual violence within intimate partner relationships. Among children, physical punishment can also be related to depressive symptoms and anxiety. Other negative outcomes shown to be related to physical punishment included adult mental illness and adult substance abuse. There may therefore be long term savings for public services as a result of this change.

There is little published evidence available about the effects on public services in other countries that have made similar legislative changes. There is some evidence available from New Zealand, where the police service published data about the numbers of cases reported to them in the three months before and five years after the law was changed, as noted in the Explanatory Memorandum. It is in my view reasonable to anticipate an increase in reporting of physical punishment incidents as a result of law change and awareness of that change but that does not necessarily result in prosecution or ongoing state involvement.

In addition, it will be rare for ongoing social work involvement to be necessary unless a referral uncovers more significant or longer term issues. A single issue referral could be dealt with via signposting to an appropriate agency rather than undertaking a lengthy course of work or higher level intervention.

It is notable that data from a Freedom of Information request covering 2009 – 2017 identified just three possible cases where the defence had been used in criminal court cases. All of these cases came from England. I accept that the use of the defence is not monitored by a 'marker' in Police or CPS computer systems that can be reported against, so some caution is needed in relation to the figures.

The Explanatory Memorandum notes a number of factors that will be related to reporting and prosecution rates, including awareness, societal attitudes, and agency policies. In respect to the last of these, I would disagree that this is a material influencing factor. Agencies will change their policies to reflect the law as it stands, but the processes set out in the All Wales Child Protection Procedures (currently being updated) and the individual thresholds for intervention will not materially change. The approach to the process of dealing with cases, and what each agency's policy is for this, will not be affected by this change.

Many of the calculations used in the Regulatory Impact Assessment are based on available data from New Zealand. This is understandable as it was identified as the most relevant comparator, but in light of my previous comments on the approach, it has to be noted that there was no specific educational and media campaign to explain the law change in New Zealand. The proposals that accompany the Bill aim to raise public awareness so that people have the opportunity to modify their behaviours before the proposals are enacted.

As I have already suggested, the awareness and education campaigns will be a vital part of a success of these proposals. I note the figures quoted at the highest intensity would be £2.76M over a seven year period; this is substantially less however than for the organ donation scheme. I note that John Finnie MSP's estimate for a campaign in Scotland is £300,000; the Scottish Government put that figure at £20,000. This shows that it is not an exact science and there are a large number of variables. I am however pleased to see the Welsh Government fully embracing the need for wide spread awareness raising and training, following last year's public consultation. The Government is required to raise awareness of the the principles and provisions of children's rights under the UNCRC in any event, according to their duties under Article 42.

I note the costs per referral are estimated as £535 each time for social services and £650 per referral to the Police. In relation to the Police, following a retrospective audit of recorded offences, the retrospective baseline is estimated as 274 referrals per annum. However, the estimated number of cases being taken forward in Wales, based on one in seven or eight being identified as related to reasonable punishment, over 5 years is just 38.

The CPS has carried out their own cost impact assessment. They estimate the total additional annual cost impact on them following implementation of the Bill would be between £2,000 and £4,000 per annum. This does not sound like a high number of cases at all or a significant impact.

5 Other considerations

5.1 Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

It is often stated that physical punishment of a young child is the only way to get them to listen, as it is not possible to rationalise their behaviour or ensure that they understand in any other way. However, an adult with severe learning difficulties or suffering from dementia may not be able to understand an explanation or have a reasoned discussion about their behaviour either. It is completely unacceptable both legally and culturally to hit an adult in any circumstances, including an adult with learning difficulties or dementia. It is therefore difficult to justify the physical punishment of a child for the same reasons, particularly as a young child is inherently vulnerable by virtue of their physical size and development and their limited ability to express their own views.

Although not referred to in the Explanatory Memorandum, I believe that the Government's proposals to introduce compulsory Relationships and Sexuality Education, including healthy relationships, will be another important aspect of the cultural change the Bill seeks to promote. This is because the removal of the defence for reasonable punishment should be seen as part of Wales's rejection of violence, including physical punishment, in any circumstances in relationships between people. Children who are physically punished are receiving a message that one person can make another person do something they wish them to do by physically punishing them. This Bill aims to ensure that this message is as unacceptable in adult-child relationships as it is in adult-adult relationships.

I agree with John Finnie MSP who introduced the Bill in Scotland, that the purpose of a Bill to abolish the reasonable punishment defence ("justifiable assault" in Scotland) is "not to prosecute people; it is to set a clear direction of travel".

In my annual report for 2017/18 I included a section on equal protection from physical punishment (page 42 onwards). The report was published in October 2018 so before the Bill had been introduced. My recommendation was that "a Bill should be introduced as soon as possible to make sure that the Government's commitment is followed through". In that report I also included a selection of views from children in Year 5 at a primary school in south Wales. They had contacted my office during the Government's consultation period. They held a debate on this topic and wanted to share their views with me and the then Minister for Children, Older People and Social Care. I will reproduce those views here as I believe they make a strong and clear statement on this issue:

"Children should be protected not smacked"

"Smacking can always go too far, where do you draw the line?"

“Some people think you have to smack children for them to learn how to behave. I disagree, it is completely unnecessary”.

“you should talk and explain so that they don’t do the same thing again”

“Instead of smacking you can ban TV or the iPad; anything is better than smacking.”

Due to the scrutiny requirements in passing a Bill, the process for submitting evidence for consideration is necessarily formal. I would urge the Committee as a whole and individual members to engage with children and young people and gain their views directly on this topic. The children I have spoken to have all given the topic a tremendous amount of thought and recognise the arguments around the potential harm to them if a parent were to be investigated or charged. However the overwhelming majority seem to be against the physical punishment of children and many are amazed that it isn’t already prohibited in a modern democratic country like Wales, that formally respects human rights.

Attitudes to parenting practices have also been changing over the years. In 1998, 88% of parents polled believed that it was sometimes necessary to ‘smack’ a naughty child; however, by 2017, this figure had dropped significantly to 11% . Removing the defence of reasonable punishment will encourage parents in their use of more positive parenting techniques which are proven to be more effective. Jillian van Turnhout reflected in the evidence referred to above, that when the Republic of Ireland removed this defence, the law was “catching up with how parents are parenting their children today”. It is time for Wales to do the same.

Kirsty Williams AC/AM
Y Gweinidog Addysg
Minister for Education



Llywodraeth Cymru
Welsh Government

Lynne Neagle AM,
Chair
Children, Young People and Education Committee
Ty Hywel
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29th March 2019

Dear Lynne,

I agreed to write to you with an update of the evidence paper provided during the Committee's *On the money?* Inquiry on the 2018 Key Stage 4 attainment data.

Although it is not possible to make historic comparisons of data due to the significant changes to performance measures, it has been possible to consider some breakdowns. In 2017-18, analysis indicated that the changes made to performance measures disproportionately affected eFSM learners; with the cap on the contribution of vocational qualifications having a particular impact on the Level 2 threshold.

You are already aware the 2017-18 data showed that removing the cap would improve the Level 2 performance of eFSM learners by 8.5 percentage points compared to 4.4 percentage points for non-eFSM learners. Analysis for the 2018-19 data set shows that removing the cap would have less significance but there would still be an improvement of 6.4 percentage points for eFSM learners compared to 3.1 percentage points for non-eFSM learners. The Level 2 inclusive indicator shows the cap has not significantly affected either eFSM or non-eFSM results, with only marginal improvement differences of 0.1 percentage points.

The cap on the value of non-GCSEs and on the size of individual non-GCSE qualifications has contributed to a shift away from vocational qualifications to GCSEs, reversing the trend seen in some subjects in recent years. Last year, 2017-18, saw increased results across all science subjects as schools prepared for the changes to performance measures in 2018-19 where the Capped 9 points score required 2 GCSEs in science. The summer results for 2018-19 showed an increase in entries for biology, chemistry and physics, and there were over 42,000 entries to the new Double Science award. This increase in entries for science GCSEs is encouraging, as more young people will be equipped with the science skills and knowledge they need to progress to further study post-16, including at A level.

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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.

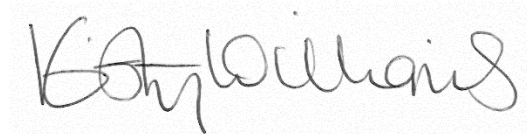
I am pleased that since 2016 we have seen 30% increase in the number of pupils on Free School Meals who have achieved at least one GCSE in Science

We knew the impact of the significant changes made to performance measures would cause volatility but it is too early after those changes to make any robust conclusions; particularly in the context of the additional changes we will see to the curriculum and the accountability framework. [My Written Statement on Evaluation](#) and Improvement – a new accountability system to raise standards for all issued on 19 February this year sets out our proposals moving forward.

I also agreed in my response to the Committee's report to consider how this update could include looked after children. We do not yet have the relevant data available to do this, but I can assure you we will analyse the data as soon as it becomes available and feed it into the ongoing conversations my officials are having with the regional education consortia and others.

I hope the Committee finds this update helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', is written over a light grey rectangular background.

Kirsty Williams AC/AM

Y Gweinidog Addysg
Minister for Education

Table 1 : Average GCSE entry per pupil, 2014 to 2018

	Number of subjects						Change	Change
	2014	2015	2016	2017	2018	2017 to 2018	2014 to 2018	
FSM	5.8	5.8	6.1	7.5	7.8	0.3	2.0	
NonFSM	7.9	7.9	8.1	9.1	9.4	0.3	1.5	

Table 2 : Average BTEC entry per pupil, 2014 to 2018

	Average entry						Change	Change
	2014	2015	2016	2017	2018	2017 to 2018	2014 to 2018	
FSM	2.0	2.0	2.0	1.7	1.4	-0.3	-0.5	
NonFSM	1.7	1.8	1.8	1.6	1.3	-0.2	-0.4	

Table 3 : Percentage of pupils entering at least one BTEC, 2014 to 2018

	Per cent of pupils						Change	Change
	2014	2015	2016	2017	2018	2017 to 2018	2014 to 2018	
FSM	71.7	76.1	72.0	51.6	41.2	-10.4	-30.4	
NonFSM	56.1	57.5	51.4	35.0	26.1	-8.8	-29.9	

Table 4 : Percentage of pupils entering at least one GCSE in Science, 2013 to 2018

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	Change 2017 to 2018	Change 2013 to 2018
FSM	58.5	49.6	48.1	53.5	76.8	91.0	14.1	32.4
NonFSM	79.0	75.3	74.5	77.7	89.8	97.8	7.9	18.8

Table 5 : Percentage of pupils achieving GCSE Maths A*-C, 2013-2018

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	Change 2017 to 2018	Change 2013 to 2018
FSM	33.7	34.5	39.2	43.6	38.3	39.3	1.0	5.7
NonFSM	65.9	67.7	70.1	73.2	68.6	70.0	1.4	4.2

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Table 6 : Percentage of pupils achieving GCSE English or Welsh A*-C, 2018

	English and Welsh Language and Only	English and Welsh Language and literature	Difference
FSM	40.0	43.1	3.2
NonFSM	71.5	74.3	2.8
All	64.9	67.6	2.8

Table 7 : Percentage of pupils achieving the L2 threshold, 2018

	With no cap on contribution of vocational qualifications		
	Published	ons	Difference
FSM	41.8	48.1	6.4
NonFSM	73.9	77.1	3.1
All	67.0	70.5	3.5

Table 8 : Percentage of pupils achieving the L2 inclusive threshold, 2018

This table shows the effect of the cap on vocational qualifications

	With no cap on contribution of vocational qualifications		
	Published	ons	Difference
FSM	29.5	29.6	0.1
NonFSM	61.7	61.8	0.1
All	55.1	55.2	0.1

Table 9 : Percentage of pupils achieving the L2 inclusive threshold, 2018

This table shows the effect of the cap on vocational qualifications and the removal of literature as a qualification that counts towards this measure.

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	With no cap on contribution of vocational qualifications and including		
	Published	literature	Difference
FSM	29.5	31.0	1.5
NonFSM	61.7	63.2	1.6
All	55.1	56.6	1.5

Table 10 : L2 inclusive by FSM, 2012 to 2018

	2012	2013	2014	2015	2016	2017	2018	Change 2012 to 2016	Change 2017 to 2018
FSM	23.4	25.8	27.8	31.6	35.6	28.6	29.5	12.2	0.9
NonFSM	56.6	58.5	61.6	64.1	66.8	61.0	61.7	10.3	0.7
All pupils	51.1	52.7	55.4	57.9	60.3	54.6	55.1	9.2	0.5

Note: Data for 2017 and 2018 not consistent with previous years due to changes recommended by the Review of Qualifications. These figures are provided for information only

Table 11 : Achievement of A*-C in Maths by FSM, 2012 to 2018

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	Change 2013- 2018	Change 2012- 2017
FSM	31.3	33.7	34.5	39.2	43.6	38.3	39.3	5.7	7.0
NonFSM	63.8	65.9	67.7	70.1	73.2	68.6	70.0	4.2	4.8
All pupils	58.4	60.3	61.7	64.4	66.9	62.5	63.6	3.2	4.1

Table 12 : Achievement of A*-C in English or Welsh by FSM, 2012 to 2018 (a)

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	Change 2013- 2018	Change 2012- 2017
FSM	36.6	37.4	40.4	45.8	47.8	39.4	40.0	2.6	2.7
NonFSM	69.2	69.9	73.4	75.7	76.6	71.5	71.5	1.6	2.3
All pupils	63.5	64.0	67.1	70.1	70.4	65.0	64.9	0.8	1.6

(a) language only for 2017 and 2018.

Table 13 : Achievement of A*-C in English or Welsh and Mathematics by FSM, 2012 to 2018 (a)

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	Change 2013- 2018	Change 2012- 2017
FSM	23.9	26.1	28.0	32.1	35.9	29.1	30.2	4.1	5.2
NonFSM	57.0	58.8	61.8	64.4	67.1	61.5	62.3	3.4	4.5
All pupils	51.6	53.1	55.7	58.3	60.7	57.1	57.2	4.1	5.5

(a) language only for English and Welsh in 2017 and 2018

Table 14 : Percentage of pupils passing at least one GCSE in Science at any grade, 2013-2018

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	Change 2017 to 2018	Change 2013 to 2018
FSM	53.9	46.4	45.8	50.5	72.6	80.5	7.9	26.6
NonFSM	77.9	74.6	73.8	76.9	88.9	94.7	5.8	16.8

Kirsty Williams AC/AM
Y Gweinidog Addysg
Minister for Education



Llywodraeth Cymru
Welsh Government

Lynne Neagle AM
Chair
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29 March 2019

Dear Lynne

I am writing to thank the Children, Young People and Education Committee for its comprehensive response to the consultation on the draft Additional Learning Needs (ALN) Code.

I am grateful for the Committee's thorough scrutiny of the draft ALN Code and pleased that the Committee's direct engagement with stakeholders through the establishment of a working group has been beneficial to this process. This approach is consistent with the way that we have worked with stakeholders throughout the history of the development of the ALN transformation programme, with a strong focus on co-construction and collaboration. It is clear that stakeholders continue to feel passionate about this critical area of education reform.

Alongside the Committee's response, we have received almost 700 responses from an extensive range of stakeholders. We also have the findings from the eight regional consultation events to consider, along with the views of children, young people and parents gathered at the series of workshops we commissioned. A 'summary of responses' report will be published in due course, alongside reports on the findings from the workshops. I also intend to issue a formal Written Statement outlining the next steps in terms of how the Code and regulations may need to be revised.

There is indeed then, a large amount of information to now consider and officials are working to a tight timescale to meet my commitment of laying the ALN Code and regulations before the National Assembly for Wales by the end of 2019. This is with a view to the provisions of the Act and regulations commencing from September 2020. Despite the challenge, the wealth of information that has been provided is invaluable in helping us to get the Code and regulations right so we deliver a new system that fully supports children and young people with ALN.

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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.

The Welsh Government will now give a full and proper consideration of all the consultation responses and evidence received. At this point in the process, I do not intend to respond to each of the substantive points the Committee has raised as these will need to be considered alongside the views of other consultees as part of the full consultation analysis.

I look forward to continuing to work with the Committee on these and other matters over the coming months.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written in a cursive style.

Kirsty Williams AC/AM
Y Gweinidog Addysg
Minister for Education

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Plant, Pobl Ifanc ac Addysg

National Assembly for Wales
Children, Young People and Education Committee

Vaughan Gething AM
Minister for Health and Social Services, Welsh Government

29 March 2019

Dear Vaughan,

Inpatient CAMHS provision

Thank you for your **letter of 25 February** in response to my **letter about inpatient CAMHS provision for Welsh patients**.

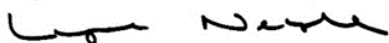
As a Committee we remain deeply concerned about the restrictions applied to both Tier 4 settings in Abergele and Tŷ Lliard. The findings of Healthcare Inspectorate Wales's thematic report: *'How are healthcare services meeting the needs of young people?'*, released today, reinforce our concerns about provision for Welsh patients. We are particularly worried by HIW's findings that:

- they could not always be assured patients were receiving safe and effective care because they found weaknesses around systems for ensuring safe care, including systems for locating emergency equipment;
- they have concerns across Wales over the ability of CAMHS units to accommodate young people who are high risk, due to challenges with staffing, environment and effective management and leadership, with concerns that that this means some young people need to be placed out-of-area.

We are grateful for the details provided in your letter, and in letters provided by **Healthcare Inspectorate Wales** (via the Children's Commissioner) and the **Welsh Health Specialised Services Committee**. However, we seek further urgent reassurances from you in relation to:

- the timescales for addressing the ongoing issues of concern in both settings;
- the procedures in place for ensuring good support is provided in out of area placements (including further detail about how the various bodies tasked with reviewing provision undertake their work – for example, to what extent does the work involve visits as well as paper-based activity?)

Yours sincerely,



Lynne Neagle AC / AM
Cadeirydd / Chair



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Y Pwyllgor Plant, Pobl Ifanc ac Addysg

National Assembly for Wales
Children, Young People and Education Committee

Julie Morgan AM
Deputy Minister for Health and Social Services,
and Member in Charge of the Bill

5 April 2019

Dear Julie,

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

Thank you for confirming your availability to attend Committee on 2 May to discuss the Children (Abolition Of Defence Of Reasonable Punishment) (Wales) Bill.

Prior to the meeting, and subsequent oral evidence sessions with other relevant witnesses, it would be helpful to have clarification on some focused questions. Given the nature of the questions and the limited time available for oral evidence, the Committee felt that writing would be the most prudent use of the time available. Please find the relevant questions attached at the Annex to this letter.

The Committee would be grateful to receive a response to these questions by Tuesday 23 April.

Yours sincerely,



Lynne Neagle AC / AM

Cadeirydd / Chair



Assault and battery

- At various points in the Explanatory Memorandum (e.g. para 1.1. and para 1.4) it is stated that the Bill removes the defence of reasonable punishment as a defence to assault or battery against a child. Section 1 of the Bill removes the defence of reasonable punishment in relation to *corporal punishment* of a child by parents or those acting in loco parentis. Corporal punishment is defined in section 1 (5) of the Bill to mean battery carried out as a punishment. Can you confirm how the defence is removed in cases of assault?

Implementation and training needs

- What assessment/discussions have taken place with CAFCASS about the anticipated impact of this Bill on their work and caseloads in terms of both private law and public law cases.
- What assessment/discussions have taken place with representatives of the judiciary (civil, family and criminal) regarding the training needs and cross-border issues arising from the implementation of this Bill?
- Please could you provide further details on:
 - the assessments undertaken in respect of the availability of Registered Intermediaries which para 28 of Annex 4 of the EM states 'must be considered for use at court in every case involving a child witness'
 - the reference in para 29 of Annex 4 of the EM to a current shortage of RIs 'and a very limited number of Welsh speaking ones' and that 'this could create delays in the process'.

Guidance and training for frontline professionals (para 4.14-4.15 of the EM)

- Please could you provide a list of all relevant public policy and guidance in Wales which you have assessed as needing updating if the Bill passes, along with the date it was last updated
- Please could you provide the estimated cost of updating: all Welsh Government guidance in respect of Social Care, Education (para 61 of Annex 4 of the EM) , Health, Parenting, and third sector (para 8.19 of the EM)



- Para 8.47 of the EM refers to the All Wales Child Protection Procedures 2002 being 'regularly updated'. Since the 2008 revision to these procedures, please could you indicate:
 - how often it has been updated;
 - when it was last updated;
 - how long the updating work took;
 - the total costs of this work in terms of redrafting, dissemination, and training.
- Please could you provide further information about the costs associated with social services workload arising from para 50 of Annex 4 of the EM. This states that there may 'be an increase in reporting incidents from individuals and community organisations such as schools' in line with the 'duty to report' in the Social Services and Well-being Act.
- What discussions have taken place with the Crown Prosecution Service regarding amending the Charging Standard for Offences Against the Person to ensure that Section 58 of the 2004 Children Act does not apply in Wales as per paragraph 3.23 of the Explanatory Memorandum? How much time will this revision take, how much is it expected to cost and who will be responsible for this cost?
- What discussions have taken place with the Police regarding the amended guidance referred to in para 15 of Annex 4 of the EM? How much time will this revision take, how much it is expected to cost and who will be responsible for this cost?
- What discussions have taken place with the Police regarding the difference in recording requirements between England and Wales for the National Law Enforcement database referred to in paras 14 and 15 of Annex 4 of the EM? How has the feasibility of this work been assessed, how much is it expected to cost and who will be responsible for this cost?
- Please could you provide details of any costs associated with attending a course as part of a conditional caution referred to in para 21 of Annex 4 of the EM. Will a course need to be developed for this type of offence? If yes, who will be expected to develop and fund this course?
- Please could you provide details of progress and costs associated with the community resolutions referred to in para 24 of Annex A of the EM?



Awareness raising campaign and costs (paras 3.63-3.66 of the EM).

- Please could you clarify the target audience for the awareness raising campaign.
- Please could you provide details of the methods and costs for awareness raising with visitors to Wales, how this will be delivered and the costs associated for this for 3 years (para 9.2 of the EM)?
- Please could you provide details of the assessment made as to whether to include this awareness raising campaign on the face of the Bill.

Implementation group (para 8.9 of the EM)

- Please could you provide details of the role, membership and terms of reference for the implementation group and how often it has met to date, and an outline of the reasons why this information was not included in the Explanatory Memorandum

Other

- In relation to paragraph 3.42 of the EM, are you assured that all other academic references have been represented correctly?
- Please could you provide more clarity about the published data referred to in para 8.20 of the EM in New Zealand in terms of cases reported to the police service before and after the law change.



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/194/19

Lynne Neagle AM
Chair
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5 April 2019

Dear Lynne

Following the introduction of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill to the National Assembly on 25 March 2019, I am writing to provide further information in relation to social services data, which is highlighted in the Regulatory Impact Assessment accompanying the Bill.

This information is provided to support the committee's scrutiny of the Bill.

The Welsh Government has not been able to establish a baseline of the number of referrals relating to reasonable punishment received by social services departments using existing social services data. As the defence of reasonable punishment currently exists, social services departments in Wales do not specifically collect information about physical punishment. There is therefore, no published or readily-available data to use as a baseline.

We have carried out a lot of work to try to establish a baseline for social services referrals. As part of this work with local authorities, we have been able to establish that local authorities do not necessarily record the specific details of a referral or report of an incident in the first instance in a searchable form. The details of each individual case, record or report are normally established later in the process. This has presented challenges in separating out data relating to the physical punishment of children where the defence of reasonable punishment would apply.

The recording of incidents differs among the 22 local authorities. For example, some record this under child protection, some under child welfare issues or other categorisations.

We have considered a number of options to enable us to obtain the relevant data, which could then be used as an approximation for a baseline but, to date, we have not yet been able to identify an existing baseline dataset, which is sufficiently robust.

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Gohebiaeth.Julie.Morgan@llyw.cymru
Correspondence.Julie.Morgan@gov.wales

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.

We are continuing this work and are currently working with a small number of local authorities to try to establish a sufficiently accurate baseline, based on the method the four Welsh police forces were able to use when analysing their data.

I will provide further updates about the process to establish a social services data baseline as they become available and I look forward to providing evidence to the committee in due course.

I am copying this letter to the chairs of the Finance and the Constitutional and Legislative Affairs committees, which are also scrutinising this Bill.

Best wishes

A handwritten signature in black ink, appearing to read 'Julie Morgan'.

Julie Morgan AC/AM

Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Services

Kirsty Williams AC/AM
Y Gweinidog Addysg
Minister for Education



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA(P)/KW/1131/19

Lynne Neagle AM
Chair
Children, Young People and Education Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
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SeneddCYPE@assembly.wales

5 April 2019

Dear Lynne,

During your committee's scrutiny of the Additional Learning Needs and Education Tribunal (Wales) Bill, a commitment was made to provide regular updates on the Additional Learning Needs (ALN) transformation programme. This letter is the sixth of these updates.

1. Legislation and statutory guidance

As you are aware, the consultation on the draft ALN Code and a number of proposed regulations to be made under the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ran from 10 December 2018 to 22 March 2019. I wrote to the Committee on 29 March, thanking you for your response to the consultation. As noted in that letter, a formal 'summary of responses report' on the draft ALN Code consultation will be published in due course together with reports on the views gathered at the series of workshops that took place during the consultation period with children, young people and parents, and at the regional stakeholder events (see below for further detail). Alongside these, I intend to issue a formal Written Statement outlining the next steps in terms of making any revisions to the Code and regulations. My officials are now undertaking a full analysis of all consultation responses. It remains my intention to lay the Code and regulations for Assembly approval later this year.

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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.

2. Implementation / transition support

The ALN Transformation Leads have submitted a suite of documents that highlight good practice and summarise the transformation activity that has taken place in their respective regions during 2018/19. The Transformation Leads also provide bi-monthly updates to the ALN Transformation Leadership Group on progress made in relation to their regional and further education plans. This Group, which includes lead Directors of Education from each of the consortia regions and Colegau Cymru, is helping to develop and ensure consistency of implementation approaches across Wales and is crucial in driving forward the work of the Transformation Leads and wider transformation programme.

Challenge and review sessions took place in each of the four regions during the first quarter to monitor the development of all projects across Wales. The learning from these sessions is being used to help shape and inform the work programme for 2019/20.

3. Workforce development

Draft ALN Co-ordinator (ALNCo) regulations were consulted on as part of the draft Code consultation and responses to these will be included in the analysis of consultation responses currently being undertaken by officials.

The ALNCo role is fundamental to the success of the new ALN system and we are committed to supporting this workforce through professional learning. Officials are continuing work with local authorities and regional education consortia to develop an ALNCo professional learning offer.

The Welsh Government has commissioned Eliesha Cymru to develop ALN implementation training materials, which have been split into four levels, with each level targeting different practitioners. Level 1 will be published before the end of the 2019/20 autumn term.

4. Awareness raising

In February, we hosted a series of draft Code consultation events across Wales. Each event provided stakeholders with an opportunity to engage with the consultation and receive updates on the ALN transformation programme.


The events included workshops on specific aspects of the draft ALN Code, covering:

1. Timescales
2. The role of the ALNCo
3. Early Years ALN Lead Officer
4. Post-16 specialist placements
5. Advice and information, disagreement resolution and independent advocacy
6. Health and the Designated Education Clinical Lead Officer

Over 1,000 stakeholders applied for tickets to the events, with a turnout of over 800 attendees. Presentations from the North Wales events were live-streamed online via Periscope and had more than 700 views.

In addition, a series of workshops with children, young people and their families, have been conducted by an independent external contractor on our behalf in order to ensure that their views on the proposals can be taken in to account.

Yours sincerely

A handwritten signature in black ink, reading "Kirsty Williams". The signature is written in a cursive style with a large initial 'K'.

Kirsty Williams AC/AM
Y Gweinidog Addysg
Minister for Education

Agenda Item 6.7

Cynulliad Cenedlaethol Cymru
Pwyllgor yr Economi, Seilwaith a Sgiliau

National Assembly for Wales
Economy, Infrastructure and Skills Committee

Lynne Neagle AM
Chair, Children Young People and Education Committee
By email

11 April 2019

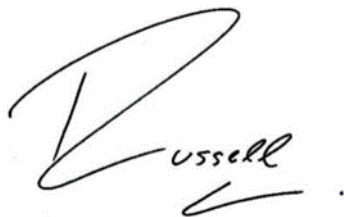
Dear Lynne,

I am writing to share with the CYPE Committee our report on Research and Innovation in Wales which was published on 11 April.

The report is the EIS contribution of the programme of work our Committees have agreed to undertake in preparation for the Welsh Government's proposed reforms of post-compulsory education.

We anticipate receiving the Welsh Government's response before the end of May. Given that these issues are likely to get an extensive airing when the legislation is published, we are not proposing to hold a plenary debate on this particular report.

Best wishes,



Russell George AM



Y Gwir Anrh/ Rt Hon Mark Drakeford AC/AM
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref:
Ein cyf/Our ref: MA-P/FM/1522/19

Lynne Neagle, AC/AM
Chair of Children, Young People and Education Committee
National Assembly for Wales
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16 April 2019

Dear Lynne,

Improving outcomes for children in care

I am writing in response to your letter of 28 March about the work being undertaken to take forward my commitments for looked after children.

As the Committee is aware, a Technical Group has been established to inform our approach to developing bespoke reduction expectation plans for each local authority in Wales. The group which includes representation from local government and the third sector has met three times.

The Technical Group has developed a conversation framework and a profile of looked after children data for each local authority in Wales. A Technical Engagement team has been established which will be visiting each local authority during April and May. Discussions will inform the development of a co-produced bespoke reduction expectation plan for each local authority in Wales.

I am of course happy to keep the Committee updated about progress in this area of work.

Yours sincerely

MARK DRAKEFORD

Bae Caerdydd • Cardiff Bay
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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.

Agenda Item 6.9

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Deisebau

National Assembly for Wales
Petitions Committee

Lynne Neagle AM
Chair, Children, Young People and Education Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

18 April 2019

Dear Lynne

Petition P-05-872 Protect school funding or admit to the weakening of service provision

The Petitions Committee considered the above petition for the first time at our meeting on 2 April. The petition received more than 5000 signatures, however Members noted that the Children, Young People and Education Committee's inquiry into school funding is currently looking in detail at these issues.

As a result we agreed to write to you to share details of the petition and that the Petitions Committee will keep a watching brief on this petition until after the inquiry has concluded.

Further information on the petition, including the full text and the correspondence received to date, is available on the website at:

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?Id=24658>

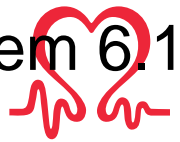
If you have any queries, please contact the Committee clerking team at SeneddPetitions@assembly.wales.

Yours sincerely



Janet Finch-Saunders AM
Chair





British Heart
Foundation
Cymru

BHF Cymru

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CF10 2HH

T: 0300 330 3322

18 April 2019

Dear Lynne Neagle AM,

I am writing to you as chair of the Children and Young People's Committee to raise concerns about the new curriculum. There is a risk that Wales will fall further behind other countries and more lives will be lost unnecessarily across Wales if CPR and other life-saving skills are not referenced in the content that needs to be covered in the new curriculum.

BHF Cymru supports the Donaldson Review and agrees that less prescription is imperative to the success of the new curriculum. This is why we already provide free CPR training resources for every school in Wales to ensure that they can teach CPR at a time and in a way that suits them.

Along with St John's Cymru and British Red Cross Wales, we have met with the Welsh Government officials leading the development of the Health and Wellbeing Area of Learning and Experience (AoLE) on a number of occasions. However, at the last meeting, we were alarmed that the Health and Wellbeing "what matters" statements core content and progression steps did not make any reference to learning CPR or lifesaving skills. Even the "what matters" statement about improving other people's health makes no reference to gaining knowledge and experience of CPR or lifesaving skills despite the evidence for this and the obvious fit for these skills with this statement.

We are concerned about this omission because of the missed opportunity this presents for learning key skills and improving health outcomes in Wales, and without a presence in the AoLE or "what matters" statements, it is very likely that schools may feel that they don't need to teach life-saving skills. The evidence is very clear. In countries where CPR is taught universally in schools and bystander CPR and survival rates are 2-3 times higher. For example, in Denmark in 2005, a programme to teach all secondary school age children CPR was introduced and a decade later the out of hospital

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cardiac arrest rate had tripled. In Denmark and Norway, where CPR is learnt universally in schools around 1 in 4 people survive an out of hospital cardiac arrest. In Seattle, where a similar programme was introduced, the survival rate is 1 in 5. Today in Wales, and across the UK, out of hospital cardiac arrest survival rates are less than 1 in 10 because rates of bystander CPR remain stubbornly low.

In 2016/17 the Welsh Ambulance Service Trust responded to over 2,800 out of hospital cardiac arrests where resuscitation was attempted. This means that we would likely see over 200 lives a year saved in Wales in the future if we follow the lead of other countries that have included CPR as a core part of their school curriculum.

A survey carried out by YouGov in October showed that nearly a third of adults in the UK would not attempt to carry out CPR in a situation which required them to. Yet, evidence shows that nearly 1 in 6 will witness a cardiac arrest. This is a skill that many young people will need - in a class of 30 students many will go on to put these lifesaving skills into practice later in life.

In both England and Scotland this evidence has led to changes and *all* students will now leave secondary school having been trained in CPR. At the start of 2019, the UK Government announced that CPR and life-saving skills will be a part of the English school curriculum from 2021 and as of 5th April 2019, all Scottish local authorities have committed to teaching it in all their schools. Based on the available evidence, it is highly likely that in a decade's time, that England and Scotland's out of hospital cardiac arrest survival rates will significantly improve. We urge the Welsh Government to consider the implications of not making any reference to CPR and other life-saving skills within the content that needs to be covered in the Health and Wellbeing AoLE.

At present, we know through our work, that around 85% of Welsh schools have our CPR kits, but with no reason for teachers to build this into their lessons in the future, we are extremely concerned that the numbers of people leaving school equipped with life-saving skills may actually fall.

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There is also a very high level of variation between schools at present and the evidence is unequivocal that the only way to address this and improve survival rates is through including lifesaving skills within curriculum content. Schools play a vital part in equipping children with the skills they need for life. We will continue to work with schools across Wales to support young people in learning CPR and we do not want to prescribe how or when children learn these skills in schools. In some schools, peer to peer learning works really well. In other schools, there will a member of staff with a passion and experience of teaching lifesaving skills who will want to deliver these sessions. Our 30 minute videos allow anyone to teach basic CPR in English or Welsh. If the new Welsh curriculum provides a simple reference and hook for life-saving skills then schools will be able to work with all the lifesaving charities in Wales to make sure no communities miss out and lives are saved.

Yours sincerely,

Adam Fletcher
Head of BHF Cymru

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Agenda Item 9

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted