

GBV 44

Communities, Equality and Local Government Committee

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill:  
Stage 1

Response from: Professor Sally Holland and 13 other academics from eight  
universities

Christine Chapman, AM

Chair

Communities, Equality and Local Government Committee

National Assembly for Wales

Cardiff Bay, CF99 1NA.

Dear Christine Chapman,

Response to the Gender-based Violence, Domestic Abuse and Sexual  
Violence (Wales) Bill

We write as academics whose primary research interests and expertise are in  
child abuse, children's rights, family support, criminology, family law,  
education and psychology. We all live in Wales or work in Welsh universities.

We welcome the introduction of this Bill. Its proactive and preventative  
approach is encouraging, as is the emphasis on planning across agencies  
and on a national and local level.

We would, however, urge your committee to consider the case for including  
an amendment to the Bill. We suggest that the Bill should be amended to  
include a removal of the defence for the physical punishment of children.  
This would be in keeping with a Bill that aims to improve service responses  
to family based violence. As you will be aware, acts which are designed to

correct behaviour through the administration of pain, but which do not cause injury serious enough to warrant a charge of assault occasioning actual bodily harm may be defended under section 58 of the Children Act 2004 as reasonable punishment. Such a defence does not of course exist in cases of assault between adults and we believe that there is an urgent case for the Welsh Government to ensure that children and adults have equal protection against assault. This will enable our public services including schools, social services, police and health workers to give clear and unambiguous messages about healthy relationships throughout the lifecourse.

The research evidence on the effects of physical punishment on children overwhelmingly suggests that it causes harm to children and adolescents in the form of heightened aggression, anxiety and depression. A public health approach to the issue is required. We believe that the research evidence is strong enough that public education on the issue needs to be backed up by the removal of the legal defence.

We were encouraged by the Deputy Minister for Social Services statement in February this year that made a commitment to look further at the issue of banning physical punishment during this Assembly term, ideally on a cross-party basis. We understand that such a move has cross-party support and it would be consistent with the Welsh Government's long standing commitment to children's rights.

Yours sincerely,

Professor Sally Holland, Director of CASCADE: Children's Social Care Research and Development Centre, School of Social Sciences, Cardiff University.

Professor Emma Renold, Childhood Studies, School of Social Sciences, Cardiff University.

Professor Kevin Haines, Criminology and Youth Justice, Director, Centre for Criminal Justice and Criminology, Swansea University

Dr Julie Doughty, LLB, Cardiff Law School.

Professor Gillian Douglas, LLD, Cardiff Law School.

Dr Simon Hoffman, LLB, Barrister, Swansea University, Co-Director of Wales Observatory on Human Rights of Children and Young People

Jane Williams, LLM, Barrister, Associate Professor, Swansea University, Co-Director of Wales Observatory on Human Rights of Children and Young People

Dr Katherine Shelton, Senior Lecturer, Developmental and Health Psychology, School of Psychology, Cardiff University.

Professor Jonathan Scourfield, Social Work, Deputy Head of School, School of Social Sciences, Cardiff University.

Professor Judy Hutchings, OBE, Professor of Clinical Psychology, Director, Centre for Evidence Based Early Intervention, Bangor University.

Professor June Statham, Professor Emerita of Education and Family Support , Institute of Education, University of London.

Professor Ian Butler, Social Work, Dean of the Faculty of Humanities and Social Sciences, University of Bath.

Dr Jonathan Evans, Senior Lecturer, Centre for Criminology, University of South Wales.

Dr Elspeth Webb, FRCP, FRCCH, Consultant Paediatrician and Reader in Child Health, School of Medicine, Cardiff University.

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