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**Cynulliad Cenedlaethol Cymru**  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg

**National Assembly for Wales**  
Children, Young People and Education Committee

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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.

