

Intermediaries for Justice

09 April 2019

Dear Colleague,

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

The [Children, Young People and Education Committee](#) is undertaking an inquiry into the general principles of the [Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Bill](#) ('the Bill'). More information about the Bill and the Committee's work on it is attached in Annex A to this letter.

Call for written evidence

Given the relevance of this Bill to the work of Registered Intermediaries ('RI'), and the specific references made to your work in paragraphs 28 and 42 of the Bill's accompanying Explanatory Memorandum (see text in Annex B to this letter), the Committee is keen to hear from you. The Committee would be grateful for two things:

1. [A response to its online consultation](#)

The Committee has issued an open call for evidence and would welcome a response from you. Given the volume of information the Committee expects to receive, and the set timetable in which it is expected to report, we request that you submit all information via an [online portal](#). This will help us ensure that all views are given sufficient consideration. If you have any questions about the portal, please contact the Committee Clerk: seneddcype@assembly.wales.

2. [A response to the specific questions below \(either as part of your response to the online consultation or in separate correspondence, whichever is easiest for you\)](#)

To inform its consideration of the Bill, the Committee would welcome a response to the following questions:

- Do you believe there are any implications of implementing this Bill on your work and/or workload?
- What discussions are you aware of with Welsh Government about this Bill?



- Could you provide more information about the provision of Welsh medium RI support?

The Committee would request that this information is submitted by **Tuesday 14 May** at the very latest.

Bilingual policy

The National Assembly for Wales has two official languages, Welsh and English.

In line with the Assembly's [Official Languages Scheme](#), the Committee requests that documents or written responses to consultations intended for publication or use in National Assembly proceedings are submitted bilingually. When documents or written responses are not submitted bilingually, we will publish in the language submitted, stating that it has been received in that language only.

We expect other organisations to implement their own standards or schemes and to comply with their statutory obligations.

Disclosure of information

You can find further details about how we will use your information at www.assembly.wales/InquiryPrivacy. Please ensure that you have considered these details carefully before submitting information to the Committee.

Yours sincerely,



Lynne Neagle AC / AM

Cadeirydd / Chair



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

The purpose of the Bill is to abolish the common law defence of reasonable punishment so it is no longer available in Wales to parents or those acting in loco parentis as a defence to assault or battery against a child.

The defence currently applies in respect of both the criminal and civil law. Under the criminal law, it applies in respect of the common law offences of assault and battery; and under civil law, in respect of the tort of trespass against the person.

The Bill is intended to support children's rights by prohibiting the use of physical punishment, through removal of this defence.

The intended effect of the Bill, together with an awareness-raising campaign and support for parents, is to bring about a further reduction in the use and tolerance of the physical punishment of children in Wales.

A [Summary of the Bill](#) is available.

The Committee's work

The [Children, Young People and Education Committee](#) is a cross-party committee of the National Assembly for Wales comprised of 8 Assembly Members. It is responsible for scrutinising the Welsh Government's policy, legislation and finances as they relate to children, young people and education in Wales.

From March to July 2019, the Committee will be scrutinising the general principles of the [Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Bill](#). You can read more about [how legislation is scrutinised](#) on the Assembly's website. To help inform the report the Committee will produce, Members would like to hear the views of organisations and individuals about the Bill, particularly on the following **terms of reference**:

- the general principles of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill and whether there is a need for legislation to deliver the Bill's stated policy objectives;
- any potential barriers to the implementation of the provisions and whether the Bill takes account of them;
- whether there are any unintended consequences arising from the Bill;



- the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum);
- the appropriateness of the power in the Bill for Welsh Ministers to make subordinate legislation (as set out in Part 1: Chapter 5 of the Explanatory Memorandum).



ANNEX B

The following two references are made to Registered intermediaries in the [Explanatory Memorandum](#) accompanying the Bill:

Paragraph 28 Registered Intermediaries (RIs) must be considered for use at court in every case involving a child witness. RIs are communication specialists (e.g. speech and language therapists, psychologists) who will assist to ensure answers are communicated more effectively during police interview and when giving Evidence at trial. RIs are recruited, trained and accredited by the Ministry of Justice. RIs would not necessarily be used if there was unequivocal evidence, such as CCTV or a witness statement.

Paragraph 42: There are also logistical issues to consider if there are to be child witnesses: the current shortage of registered intermediaries, and the fact that while some family courts have specific rooms for children to give evidence remotely and sensitively, (if children are required to give evidence there) others do not.

