

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

20 May 2019

Dear Julie,


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

As part of our scrutiny of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill we invited CAF/CASS Cymru to give oral evidence. In responding to our invitation, CAF/CASS Cymru notified us via your officials that they had "considered the request carefully" but "as a Directorate of the Welsh Government and not an independent organisation [...] did not feel it appropriate to attend separately".

In light of references to CAF/CASS Cymru's work in the Bill's Explanatory Memorandum and in the evidence we have gathered to date, we would be grateful to receive a written answer from CAF/CASS Cymru to the questions attached at the Annex to this letter. We understand from your officials that yours and CAF/CASS Cymru's preference is for this request to be directed through the Welsh Government.

We would be grateful to receive this information by **Tuesday 4 June** in order to inform our approach to our final session with you as the Member in Charge of the Bill on 12 June.

Yours sincerely,



Lynne Neagle AC / AM
Cadeirydd / Chair



1. The Bill's development

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

2. Resource and capacity

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

- **Page 32 – Unquantified costs box**

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

- **Page 78 – Family Courts – paragraph 41**

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

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

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



alleged) then it will have a duty to report these to social services and the court which could lead to some additional work.”

3. Risk of malicious reporting

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

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

