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

Evidence submitted to the Children, Young People and Education Committee for Stage 1 scrutiny of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

CADRP-281

About you
Individual

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

• It will improve child safeguarding and protect children’s rights.

• All adults are already protected from physical punishment, this legal anomaly means that the smallest and most vulnerable members of Welsh society have less protection than adults. Abolishing the defence is long overdue.

• There is extensive research evidence that physical punishment is ineffective, and it can cause considerable harm both in childhood and in later life; I have witnessed this in both professional and personal capacities.

• Children thrive in nurturing environments with good adult role models. Using physical punishment provides them with neither of these things.

• With the law as it stands it’s difficult for professionals working with families who see worrying parenting behaviour to give a clear message. Delaying in offering guidance or support can put children at risk if physical punishment escalates or if something more serious is already happening. I have seen this through research I have conducted with families involved with Social Care Services over the last 20 years, including studies at the Centre for Child and Family Research, such as the longitudinal study ‘Children suffering, or likely to
suffer, significant harm'; I was part of the research team working on this study for almost 10 years.] I have witnessed the damage resulting from delay in intervention, including children being permanently removed from their birth families.

• Serious physical abuse of a child invariably has physical punishment as a factor. Not everyone knows when to stop and physical punishment often happens at a time of heightened emotion. Since there are better ways to manage a child’s behaviour and to teach them right from wrong, it’s best not to bring hitting or smacking a child into parenting at all.

• Children who are singled out to be physically punished in their family more than other siblings (possibly due to their gender, or position in their family) are likely to suffer disproportionately due to the physical abuse per se and the additional psychological factors of being singled out.

• Removing the ‘reasonable punishment’ defence acknowledges children’s status in society as holders of human rights and is consistent with the ‘due regard’ duty in the rights of Children and Young Persons (Wales) Measure 2011; it seems to be that this is a very basic entitlement.

• We need to find a way to break the cycle of physical punishments and abuse that is passed down generations.

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 1000 words)

Yes. Reasons why this legislation is necessary include:

• Experience from the 54 states worldwide who have already changed the law shows that public education alone won’t end the use of physical punishment. Legal back up is also required.

• It’s a question of Human Rights. International human rights bodies, including the UN Committee on the Rights of the Child, have stated clearly that children should have the same legal right to protection from assault as adults and governments must remove any legal defences that allow them to be physically punished.

• While the law apparently condones physically punishing children by having this defence, it’s impossible to promote the message that it’s unacceptable.

• The law sets standards and governments often introduce new laws to address key public health issues, as with smoking in public spaces and using seat belts in cars. Physical punishment has the potential to cause long term harm and has no benefits, so it’s a public health issue on which Welsh Government needs to act.
The current law fails to protect vulnerable children who are at risk, meaning that intervention happens after children have been hit or hurt. Clarity in the law would protect children by helping make sure they aren’t hit or hurt in the first place.

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 1000 words)

There don’t appear to be any real barriers to implementing the Bill. Welsh Government have done a lot of background work and this is clear in the Bill’s Explanatory Memorandum. There are some things that might need to be addressed to make implementation easier. These might include:

• A well-resourced public information strategy, using face-to-face contact and universal services, not just targeted programmes such as Flying Start and Families First funding, as the issue affects all children living in a wide range of families who may or may not be receiving services.

• Enough resources for positive parenting programmes

• Making sure that professionals working with families are prepared for the change, know what to say and how to act.

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 1000 words)

I understand that the Explanatory Memorandum shows that Welsh Government has given consideration to many issues.

3 Unintended consequences

3.1 Do you think there are 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 1000 words)

• All the consequences of a change in the law aren’t always obvious at the start, so there needs to be a way of monitoring implementation and working with organisations and public bodies before the law comes into effect as well as in the early years after implementation.
• Some families and communities may be harder to reach with information and support, Welsh Government needs to make sure that they receive the information they need.

• In not one of the countries that have prohibited physical punishment of children has the scaremongering of campaigners who don’t want the law to change been shown to be justified, or the law changed back.

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 1000 words)

It is important to remember that after changing the law far fewer children will experience any physical punishment because their parents will be guided by the law. It will also mean that people working with families can give a clearer message or intervene earlier. This will mean spending less on more costly interventions later as well as savings in the huge cost of providing services that children who have experienced ACEs such as physical abuse might need longer terms – into adulthood even. Figures obtained from the Early Intervention Foundation by the NSPCC found that the overall financial cost of late intervention with children and young people to Wales was £1.15bn in 2014/15.

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)

I very much welcome this Bill and the protection it will afford all children in Wales, but particularly vulnerable children. I have witnessed the long term damage that physical punishment causes both professionally (in my roles as a teacher; as a researcher at the Centre for Child and Family Research at XXXXXXXXXXXX University; as an Independent Reviewing Officer for foster carers in XXXXXXXXXXXX County Council and now in my research as a PhD student at XXXXXXX University, researching the experiences of children placed for adoption.) Invariably when you talk to people informally about their experiences of physical punishment in childhood they reveal harm in the form of damaged self-esteem, insecurity, fear of authority and sometimes the fall back position of resorting to physical violence as a means of expression in their own lives; even those who profess that the punishment ‘did them no harm.’
It is illogical to have laws against physical assault of adults and yet not against the more vulnerable, children. This inconsistency questions the integrity of the entire legal system and system of human rights.