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

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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)

Adults are protected from physical punishment under the current law, yet children who are the most vulnerable members of our society, are not. This doesn’t make sense and needs to be changed.

Children have rights outlined in the United Nations Convention on the Rights of the Child, which clearly states that they should be protected from violence. The current defence of "reasonable punishment" is a clear breach of children’s rights. Removing this defence is consistent with the "due regard" duty outlined in the Rights of Children and Young Persons (Wales) Measure 2011.

Changing the law will improve children’s safeguarding: with the law as it stands, it is difficult for professionals working with families who see worrying parenting behaviour to give clear, unequivocal messages. This uncertainty puts children at further risk is physical punishment escalates.

Serious physical abuse of children always has physical punishment as a factor: serious case reviews relating to serious physical abuse are clear about this. Not everyone knows when to stop and physical punishment tends to happen in the hear of the moment when tempers are running high, which presents an added risk of escalation.
With the law as it stands, we are teaching children that violence is sometimes acceptable to resolve conflict. This does not provide them with the nurturing environment they need to thrive.

There is clear research evidence (see in particular Gershoff 2016) which shows that physical punishment is ineffective and can cause considerable harm.

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.

Evidence from countries where physical punishment has been banned shows that public education alone won’t end the use of physical punishment.

International human rights bodies have repeatedly stated that children should have the same protection as adults under the law on assault, and that governments should remove legal defences that allow them to be physically punished.

Physical punishment of children has no benefits and has the potential to cause serious harm, therefore it is a public health issue. Welsh Government has already legislated to address other public health issues such as smoking in public places, so it’s logical for them to legislate to end the physical punishment of children as well.

As outlined earlier, it is impossible for professionals and others to clearly promote the message that hitting children is unacceptable while the law apparently condones physically punishing children.

The current law doesn’t support early intervention and means that vulnerable children at risk only receive support after they have been hit or hurt. Changing the law would ensure that they are not 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)*

I don’t believe there are any real barriers to implementing the Bill. The Bill’s Explanatory Memorandum is very clear and lays out all the background work that has been undertaken by Welsh Government on this issue. Some issues which may need to be addressed to ensure implementation is easier include:
Any public information strategy should be well resourced and should use universal services, not just targeted services such as Flying Start and Families First.

There should be enough resources for positive parenting programmes

Professionals working for families should be well prepared for the change and know both 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)

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)

I feel that Welsh Government has thoroughly addressed all the possible consequences of changing the law in the Explanatory Memorandum. Some things to note, however:

It is important to ensure that implementation of the law is monitored as some of the consequences of a change may not be obvious at the start.

Any public information campaign must make sure that all communities, including those who are harder to reach and support, can receive the information and support they need to prepare for a change in the law.

It is worth noting that in all the countries that have changed the law on this issue, none of the "doom's day scenarios" regarding criminalisation of parents or services being overflowed with report have been shown to be true, and none of these countries have changed the law back either.

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)

As outlined previously, a change in the law would ensure that fewer children experience physical punishment and that professionals working with families are able to give a clearer message or intervene earlier. This will mean spending less on more costly interventions later.
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 really welcome this legislation. It is a welcome, logical step to take to bring the protection of children in line with what adults already enjoy. In today’s society there is no place for the physical punishment of children. Children don't deserve to be hit any more than vulnerable adults do, it's time to put an end to an outdated, ineffective practice.