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

| Tystiolaeth i’r Pwylgor Plant, Pobl Ifanc ac Addysg ar gyfer craffu Cyfnod 1 Bil Plant (Diddymu Amdiffyniad Cosb Resymol) (Cymru) | 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-529 | CADRP-529 |

**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?

— No

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)*

I believe that parents know their children better than anyone else. They also know that a mild smack as a form of discipline is not the same as abuse.

State interference in family life undermines parents in their unique role. Criminalising parental smacking is unreasonable state interference.

The European Court of Human Rights has upheld the legal defence of reasonable chastisement in principle.

Politicians are not listening to parents and are out-of-step with the public. There is major opposition to criminalising smacking. Polls show that three quarters of the public oppose a smacking ban. Why take the time to consult with key stakeholders if their feedback is ignored?

There is no evidence to justify criminalising parents. A light infrequent smack in the context of a loving parent-child relationship is not harmful. The Government admitted this in its consultation document last year.
The Government’s impact assessment for the Bill estimates a cost of £3.3 million for law enforcement, and costs for child protection services which cannot be quantified. Police and social work resources are already overstretched. Requiring police and social workers to investigate parents who smack is draining money and resources away from the already difficult task of identifying abuse.

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)

No. Children are already protected, under the law, from abuse. Any excessive punishment is already against the law. The issue has to do with enforcing the current legislation, not changing it.

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)

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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)

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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)

By removing the ‘reasonable chastisement defence’ a parent disciplining their child with a mild smack would be charged with assault. This will lead to the criminalising of ordinary loving parents.

Were this to be enforced the disruption to families would cause major damage. If a parent is penalised for smacking they could lose their job or even custody of their children.

The NHS has already said reports of smacking will be dealt with in the same way as abuse
if reasonable chastisement is outlawed. Staff and patients could be labelled abusers.

Turning smacking into abuse will bring confusion into the law against child abuse. This endanger at-risk children.

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)

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)

No