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

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<th>Tystiolaeth i’r Pwyllgor Plant, Pobl Ifanc ac Addysg (Didymu Amdiffyniad Cosb Resymol) (Cymru)</th>
<th>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</th>
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**About you**

Organisation: Early Years Wales

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)

Early Years Wales consulted members and employees about the 2018 consultation around the legislative proposal to remove the defence of reasonable punishment and overwhelming support was found for the proposal. However, there was also some confusion amongst individuals who are child carers, who already thought it was an offence to use any form of corporal punishment as is the case within the regulated childcare sector.

Support was also found for the Bill in helping to prevent the effects of inappropriate punishment on children’s mental health. It is recognised that many young people are increasingly experiencing mental health issues as a result of physical punishment and this strengthens the case being made to remove the ‘reasonable punishment’ clause.

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)

Early Years Wales believe that legislation will provide a clear framework that will remove areas of ambiguity that currently exist about what is considered reasonable punishment. However,
during the 2018 consultation, Early Years Wales found some concern amongst those we consulted that a legislative change alone will take time to become truly embedded in all aspects of family life.

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)*

Those who already believed that corporal punishment is an offence suspect that inappropriate chastisement is and will still be something that happens behind ‘closed doors’ in family homes. Concerns are voiced on how this can be governed and what the consequences will be for parents who breach any changes to legislation however, it is welcomed that Welsh Government do not seek to criminalise parents, especially the most vulnerable and recognise the need to carry out a great deal of preparatory work to pave the way for legislation of the sort proposed.

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)*

Early Years Wales is pleased to see recognition shown for a need for alternative methods of behaviour management and that rather than adding to the problems of those families who do not have at their disposal the means and necessary skills to parent more positively, the promotion of positive alternatives is proposed. It is understood by Early Years Wales that parents will need further support and advice on different methods of managing behaviour and that ‘one size’ will not fit all. This support should also be available to the extended family so all closely involved with a child are aware of behaviour management methods being used so there can be consistency.

Existing parenting support programmes are not universally available, often only as targeted programmes either in designated communities such as in the Flying Start or Families First programmes or may only become available following undesirable incidents.

Increased access to readily available parenting courses and support would allow parents the confidence to be assertive and use more appropriate discipline methods and modify children’s behaviour without resorting to corporal punishment.
3 Unintended consequences

3.1 Do you think there are there 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)

Early Years Wales is uncertain if the potential impacts on public bodies has been adequately predicted. It is agreed that some consideration has been shown to potential impact on police, justice, social services, health and education however, there is concern that the true impact is likely to be underestimated.

Public bodies are already overstretched and may therefore not be able to cope with a potential influx of new referrals.

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)

Early Years Wales believe it is inevitable that there will be additional financial implications if the Bill is to be delivered successfully, especially if parenting support programmes are to be made more widely available to prepare parents for its introduction.

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)

GPs, Health Visitors, school nurses, schools and the early years, education and childcare sector could all be utilised to promote and support a more universal parenting support programme so long as they would be appropriately trained and given sufficient resources.

As with any new or changed legislation, it is important that frontline professionals are given the correct training and guidance. There is also a need for trained professionals to provide support to parents on positive parenting. For some parents, corporal punishment may be the norm because it was how they were brought up and they know no other way. It is therefore important that frontline professionals are given support on dealing with families and introducing the idea of positive parenting.
There will need to be an awareness raising of all related issues when this legislation is changed, not simply an anti-corporal punishment awareness but a constructive campaign on the benefits of positive parenting and what support is available to parents.

We are told that it will be important for all frontline professionals to have a clear referral pathway to follow and that this should be available to all sectors.

Early Years Wales would also like to see children receive appropriate support to know what their rights are in relation to punishment; what is and isn't acceptable.