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

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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-581

About you
Organisation: Save the Children - Achub y Plant

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)

Abolishing the defence of reasonable punishment will meet the Welsh Government’s own commitment to Children’s Rights and it will improve child safeguarding and protect Children’s Rights. In particular, it will help meet the Government’s commitment to Article 19 of the UNCRC which commits state parties to “protect the child from all forms of physical or mental violence, injury or abuse...while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

There is also evidence that a child’s family life is essential to a child’s well-being and future chances. For example, a supportive and positive parenting approach can support a child’s ability to learn. The Welsh Government recognises this and has promoted positive parenting, for example through its Parenting. Give it Time. campaign and its work supporting parents through health visitors and in schools. These techniques are considered to be more effective than hitting a child as well as not causing them physical and/or emotional harm. The Bill fits within that wider range of parenting support. It would also support those who work with families, such as health visitors, school staff and youth workers, and that see worrying parenting behaviour to give a clear message to families.
Likewise, we are concerned that the current law affords less protection to children than to adults. Given that children are the most vulnerable members of our societies, action is needed to improve their protection from physical violence.

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. The only way to remove the legal defensive of “reasonable chastisement” is to change the law which provides for this defence.

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)

Save the Children does not have any concerns about the implementation of the Bill. However, the wider policy framework for parenting should be improved. For example, the Public Policy Institute for Wales (now known as the Wales Centre for Public Policy) identified that “if reform is to be effective, parents and professionals working with families will need clear information about the change together with guidance and support on ‘positive parenting’ using a variety of mediums.” It was also clear that “the experience of other countries suggests that such awareness-raising efforts need to be sustained.” We believe that this should be focussed on both the public and more specifically on support for professionals working with children and families.

We feel that this should form part of a wider Welsh Government approach to parenting, which should include support for parents and public services and focus on all facets of positive parenting.

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)

The additional work required to ensure the maximum impact possible for children does not need to be on the face of the Bill, but this bill should be supported by further work on positive parenting and family support as part of the Welsh Government’s wider agenda on these 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)

Given the number of countries where similar legislation has been implemented, we do not feel that there are significant unintended consequences from the legislation. Most notably, there is no evidence from any of the more than 50 countries where such legislation has been implemented that the law has been misused or has led to false/unsubstantiated accusations. Indeed we believe the additional clarity that this law provides reduces the potential for confusion or misunderstanding of the legal situation.

However, as with all legislation, we would support a review of the legislation (which in this case should also consider the wider context of Welsh Government parenting support services) after a reasonable period of time.

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)

We believe the costs outlined in the Explanatory Memorandum are accurate. It is worth noting however that a reduction in Adverse Childhood Experiences is often associated with lower costs to government to public service delivery later on. The NSPCC (using information from the Early Intervention Foundation) estimated the cost of intervening later at £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)

Save the Children believes that a child’s experiences within family life is essential to a child’s well-being and future chances, and that a supportive and positive parenting approach improves a child’s ability to learn.

For example, through our Families Connect programme, we work to provide families with a series of activities, techniques and games that parents, and carers can practise with their children, whilst in the home and during their regular day, all of which support their child’s
learning. Children on the programme have told us that they enjoy the activities and parents tell us it has supported their children’s confidence.

This approach is a direct contrast to the use of physical punishment with children. Save the Children commissioned research into children’s views on smacking in 2011. The report (Listen up! Children Talk about Smacking) asked children about their experiences of being smacked. For example, in response to the question “What does it feel like to be smacked?”, children told us that it was painful but also that it caused them emotional distress. For example, one child told us that it “stings like a nettle and make you would feel sad” (boy, 8) and that it “feels like you’re going to cry ‘cause it hurts you too much” (boy, 7.) One told us “inside your body it hurts” (girl, 6) and others reported feelings of unfairness (girl, 7) and grumpiness (girl, 6). Another three told us they thought they ‘felt stupid’ after a smack – indicating it can be humiliating to a child. Others reported feelings of guilt and anger.

We recognise that the Welsh Government has recently produced guidelines to support parents with using positive approaches and explicitly advises against smacking. This wider approach to parenting and family support should be continued to ensure not just that the proposed legislation is successful but also that children can have the best start in life.