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

About you
Organisation: NAHT Cymru

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)

Corporal punishment has been outlawed in schools for a considerable time and physical punishment in schools has been universally considered as unacceptable within the education context.

Education professionals’ understanding of behaviour management, positive behaviour management techniques in particular, and the relevant training undertaken by all school staff over recent years, renders the 'Defence of Reasonable Punishment' obsolete within school settings.

Since, 2011, when Wales became the first country in the UK to make the UNCRC part of its domestic law, children’s rights have shaped much of the operational delivery of behaviour and discipline in many more progressive and successful schools.

Article 19, in particular states that a child should not be harmed and should be looked after and kept safe and this is a common principle upon which much of the work involving safeguarding and child protection is developed within education.
**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 - legislation is able to bring greater clarity to the expectations sitting behind the purpose for removing ‘Defence of Reasonable Punishment’.

Definitions and expectations must be clear, not only directly for schools, but also for the parents and families each school works with in supporting children and young people.

In the past, in other areas, a lack of legal definition and legislation to support it, has created some ambiguity and a lack of understanding in terms of expectations from all the relevant parties.

**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)*

For schools with significant mobility (the number of pupils arriving and or leaving a school within a single academic year) and when a significant proportion of the mobile families arrive from outside Wales, there will need to be clear, easily accessible and consistent support resources for schools to swiftly and constructively engage with parents about the legislation in Wales - particularly for families where, culturally, physical punishment is not only allowed but considered an integral part of parenting.

In addition, some additional guidance may now be required in terms of safeguarding and child protection processes for schools, reporting arrangements etc, as a result of the removal of ‘Defence of Reasonable Punishment’. It will be important for schools staff to understand how the implications within child protection / safeguarding may have become more stringent.

**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)*

No - the Bill may not have considered some of the practical applications of it's implementation at school level.

NAHT Cymru would suggest gathering expertise across all relevant sectors including the legal, social care and school / education sectors, to unpick the practical manifestations of the Bill and anticipate some of the challenges facing settings in implementing the new Bill. It may mean that further support materials / training resources are required to enable schools, in particular, to understand the implications for their practice.
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)

There is a possible risk of certain parents / families requiring specific support in utilising other more positive behavioural management techniques. Schools would not be able to deliver such support without considerable additional funding / resources.

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)

Clearly, any of the additional resources / training suggested in our responses to each of the above questions has financial implications that must lie outside a school’s core budget.

The burden for producing and delivering any additional resource / training cannot be placed upon schools without additional central support / funding.

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)

NAHT Cymru would urge Welsh Government to consider:

- Potential cultural differences between families supported by schools and the way Welsh Government expect them to adopt the changes required by the Bill;

- The implications for current guidance and materials available for Safeguarding / Child Protection procedures in Wales' schools

- Outlining expectations to be placed upon schools in managing parents / families who do not adhere to the principles within the Bill