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

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**About you**

Name: Dr Anja Heilmann

Role: Public Health Academic

**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)

I am the lead author of a report on physical punishment that was published in 2015 (Heilmann, A., Kelly, Y. and Watt, R.G., 2015. Equally protected? A review of the evidence on the physical punishment of children. London: NSPCC). Together with my co-authors I have undertaken a comprehensive review of the international evidence on the impact of physical punishment on children's health and well-being. This review was commissioned by leading Scottish children’s charity organisations to inform the debate in Scotland, but its findings are equally relevant and important for the decision-making process in Wales.

The clear conclusions from our review are that physical punishment has the potential to cause significant harm and carries the risk of escalation into physical abuse. Given that physical punishment also violates children's human rights as outlined in the UNCRC, my co-authors and I very much welcome the legislative proposal to remove the defence of reasonable punishment in Wales.

In the following I am summarising the key findings and recommendations from our review, which was based on the systematic search of the international literature published between 2005 and 2015.
Impact of physical punishment on child health and wellbeing

I would like to emphasise a number of important points in relation to the methodology of our review. Some research on physical punishment has received criticism for not distinguishing between physical punishment and physical abuse, and for using cross-sectional study designs that cannot establish the direction of any associations between the punishment and the outcome in question.

To address these issues, we excluded studies that had included forms of abuse or maltreatment in their definition of physical punishment. On the impact of physical punishment on children's health and development, we only included prospective (longitudinal) studies, i.e. studies that followed the same children over time and collected data at least at two time points.

Using these criteria, we identified 74 prospective studies and 2 review articles on the impact of physical punishment on child health and wellbeing, and later life outcomes. We judged the majority of these studies to be of good quality.

The vast majority (42 out of 55) of studies on externalising behaviour, and the two reviews, found that physical punishment was associated with increases in aggression and antisocial behaviour over time, after adjusting for initial levels of the behaviour in question. Studies with data on the frequency of physical punishment tended to find a dose-response relationship: the more frequently physical punishment was used or the longer the time period over which it occurred, the worse was the subsequent externalising problem behaviour. Another important finding was that physical punishment and externalising problem behaviour reinforced each other. Eleven out of the 14 studies that examined such reciprocal effects across several time points found that initial problem behaviour increased the risk of physical punishment, which in turn was related to worse problem behaviour over time, which then increased the risk of harsher punishment leading to even worse behaviour – thus fuelling a vicious cycle.

Although less strong than for externalising behaviour, there was good evidence that physical punishment is harmful also for children's emotional and mental health, increasing the risk of depressive symptoms, anxiety and emotional problems.

Further, the literature showed fairly consistent evidence for links between physical punishment experienced in childhood and aggression or antisocial behaviour in later life, as well as evidence for links with adult mental illness and adult substance misuse.

Link between physical punishment and child maltreatment

We identified six individual studies and one review paper on the link between physical punishment and child maltreatment, all of which concluded that physical punishment (in forms that were legally permissible) was related to an increased risk of child maltreatment.
An important issue to highlight here is the difficulty of making a qualitative distinction between physical punishment and physical abuse, as exemplified by the varying definitions of abuse that were adopted in studies from different countries. This suggests that such definitions are shaped by societal attitudes. In our view, both physical punishment and physical abuse are part of a continuum of violence, differing only by severity or degree.

Evidence from cross-country comparisons

An important finding from our review of cross-country studies on the effects of legislation was that physical punishment declines faster in countries where it is prohibited. Further, there is evidence that the combination of law reform and long-term public education is more effective in changing attitudes and behaviours than either strategy alone.

The policy recommendations made in our report

1. All physical punishment of children should be prohibited by law.
2. Legislation should be accompanied by large-scale information and awareness campaigns.
3. It is important to support parents in using positive parenting strategies, through providing information via different channels, as well as through offering parenting programmes.
4. Organisations and professionals concerned about child welfare, including teaching, health and social care professionals, as well as charity organisations, should call on policymakers for an urgent change in legislation to end all physical punishment of children.

Our report can be found here: https://learning.nspcc.org.uk/media/1117/equally-protected.pdf

Relevant evidence that became available after publication of our review

Since publication of our report in 2015, a further systematic review has been published (Gershoff, E. T. and Grogan-Kaylor, A. 2016: Spanking and child outcomes: Old controversies and new meta-analyses. J Fam Psychol, 30(4), 453-69). This review included 75 studies. The authors conducted meta-analyses for each of 17 different outcome measures. 99% of the statistically significant effect sizes indicated an association between corporal punishment and a detrimental outcome. Being a victim of physical abuse was the outcome for which the overall effect size was largest. The authors concluded that “there is no evidence that spanking does any good for children and all evidence points to the risk of it doing harm”.

Another relevant study was published in 2018 (Elgar, F.J. et al. 2018: Corporal punishment bans and physical fighting in adolescents: an ecological study of 88 countries. BMJ open, 8(9), e021616-e021616). This study examined associations between corporal punishment bans and youth violence at country level, using data from 88 countries. National bans of corporal
punishment in all settings were associated with less frequent physical fighting among adolescents.

In sum, the evidence for detrimental effects of physical punishment is vast and importantly, it is consistent. Physical punishment is not effective in achieving parenting goals. It tends to make difficult behaviour worse and carries a serious risk of escalation into injurious abuse. It declines faster in countries where it is prohibited. It violates children's human rights and has no place in a modern society.

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. As stated above, evidence from cross-country comparisons shows that legislation reinforced and accelerated declines in the prevalence of physical punishment. This strongly suggests that changes in legislation act as a strong signal that leads to changes in societal norms.

Further to this, the current legal situation in the UK, including in Wales, lacks clarity not only for parents, but also for organisations concerned with child welfare, and not least for children themselves.

The UNCRC, which the UK has ratified, is clear that legal provisions which allow some level of physical punishment are not compatible with the Convention. The UK’s failure to explicitly prohibit all forms of corporal punishment has been repeatedly called out through the Human Rights Council Universal Periodic Review.

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)

No.

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)*

No.

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)*

Not able to comment.

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 would like to offer a few comments about this report. I note that the report places much emphasis on the question of causality, stating that “there has been significant debate about whether there is a causal link between physical punishment and negative child outcomes”, and that there are “two schools of thought: the anti-physical punishment and the conditional physical punishment positions”. Having systematically reviewed the evidence published over the decade from 2005-2015, I disagree with this framing of the existing body of literature. Those who hold what the report describes as the ‘conditional physical punishment position’ are a small group of US researchers around Prof. Robert Larzelere, and theirs can only be considered a minority view. The arguments brought forward by Larzelere and his colleagues have been repeatedly refuted, for example here:


and here:


I note that despite this, the authors of the PPIW report relied rather heavily on Larzelere’s publications, eleven of which are cited in the report. I don’t doubt that the authors’ intention was to provide balance, however to suggest that there are 2 opposing views of equal merit and importance is in fact misleading. The vast majority of the available evidence from longitudinal, well controlled studies consistently shows detrimental impacts of physical punishment on child behaviour and well-being. Further, I am very concerned that the PPIW report appears to downplay the consistently found links between physical punishment and an increased risk of injurious abuse.

I would also like to draw the Committee’s attention to an earlier publication by Larzelere, in which he endorsed the hitting of autistic children: Larzelere, R. E. (1993): Response to Oosterhuis: Empirically justified uses of spanking: Toward a discriminating view of corporal punishment. Journal of Psychology and Theology, 21(2), 142-147.