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

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<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: Public Health 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)*

The principles of the Bill will help with the Welsh Government’s commitment to ensuring the rights of children under the United Nations Convention on the Rights of the Child. It will help protect children from receiving physical punishment by their parents and/or those acting with parental responsibility. It will further support the current policy context and other legislation in Wales which is enabling many sectors to address adverse childhood experiences (ACEs). As we know that complex adversity (ie where individuals experience multiple adversities) is common, it may also help to shape approaches to preventing ACE’s and/ or mitigating their negative impacts.

This Bill may support parents/carers to find alternative and less harmful ways to respond to boundary setting and a proportionate response to encouragement of positive behaviour. Services and system approaches to supporting parents can further reinforce these positive ways to manage children's behaviour.
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)

Legislation is one way of delivering on the principles of the Bill by removing choice. Choice has been available for parents/carers since the reasonable punishment as set out in section 58 of the Children Act 2004, however some parents/carers still use forms of what can be described as corporal punishment and it can be argued that parents and carers get confused about what is and not be considered as reasonable chastisement. Therefore, it is believed that the Bill is necessary as it removes the defence of reasonable punishment and possibly reduce the risk of confusion making it clearer for parents and carers and therefore better protect children from harm.

In addition a strong and growing body of evidence highlights the vulnerability of very young children’s brains to developmental problems if they are exposed to negative experiences. Physical abuse of children is one of the recognised ACE’s and around 16% of children in Wales are currently estimated to experience physical abuse. Reducing ambiguity over what constitutes reasonable chastisement may help to shape social norms and society’s acceptance regarding chastisement which may reduce children’s exposure to maltreatment, potentially conferring lifelong positive benefits.

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)

How will the legislation be monitored? So much of what goes on in families is unseen, this could be disproportionately applied to families from more socially disadvantaged groups.

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 Bill highlights that in civil or criminal proceedings, corporal punishment of a child could no longer be considered reasonable punishment. However it does not address implementation of the Bill outside of these circumstances. As above, given that much of what happens in families occurs in the home and may be unseen, and particularly with very young children who are unable to voice their experiences, there would appear to be challenges to enforcement.
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)*

There is the potential for some parents/carers not to be able to feel that they can manage specific situations and therefore resort to other potentially harmful methods of chastisement for example shouting or screaming at a child. Verbal abuse, emotional and physical neglect are other forms of child maltreatment which are also type of adverse childhood experiences and so gains in reducing one type of ACE could be offset by exacerbating others. Therefore it is important that the awareness raising and support for parents, referred to in the Explanatory Memorandum needs to be robust, be in an easy to understand format and easily available.

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)*

There will undoubtedly be an increase in costs to the public budget as a result of the implementation of this Bill due to an increase in activity to social services, police, CPS and the courts. However, these costs will provide benefits in relation to a reduction in harm to children, (potentially conferring lifelong benefits to themselves and society) and the further implementation of Children’s Rights.

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)*

As mentioned in 3.1 around the robust awareness raising and support for parents, referred to in the Explanatory Memorandum needs to be easy to access together with an impactful awareness drive for parents and carers in understanding their roles and responsibilities in relation to the implementation of this legislation.