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

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**About you**

Organisation: Welsh Women's Aid

**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*)

Welsh Women’s Aid is a longstanding member of the Children Are Unbeatable Alliance. When Welsh Women’s Aid asked our 22 members (independent specialist VAWDASV services across Wales) and survivors whether they thought the legislative proposal to remove the defence of reasonable punishment and prevent use of corporal punishment would help with the stated policy aim of protecting children’s rights, responses were 100% positive. For example, a specialist service stated:

“Children do not need to be hit or physically punished. We have laws which protect adults from this so why are children treated differently?”

Therefore, Welsh Women’s Aid supports the principles outlined in the Bill.

Welsh Women’s Aid’s (WWA) mission is ‘to prevent domestic abuse and violence against women’, this includes domestic abuse suffered by children and young people, both directly and indirectly, or within their own intimate relationships, and violence against girls. WWA does not condone the use of any violence within the home or between family members, including against children for ‘discipline’. 

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| Tystiolaeth i’r Pwylgor Plant, Pobl Ifanc ac Addysg ar gyfer craffu Cyfnod 1 Bil Plant (Diddymu Amdiffyniad Cosb Resymol) (Cymru) | 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-625 | CADRP-625 |
Any kind of violence or abuse in the home can significantly affect a child’s well-being and access to their rights. The Well-being of Future Generations (Wales) Act 2015 demonstrates the Welsh Government’s recognition that physical and mental well-being can affect future choices and behaviours. This is supported by the recent Welsh Adverse Childhood Experiences (ACE) study, which highlights alcohol use, drug use, violence, sexual behaviour, incarceration, smoking and a poor diet as experiences that can contribute to negative well-being and attainment into adulthood. Links should be made with these portfolio areas to reinforce the Welsh Government’s joined up response to these issues.

Around 1 in 5 children have been exposed to domestic abuse in the home, therefore the increased connection between Welsh Government policies around ending violence against women, domestic abuse and sexual violence (VAWDASV) and the removal of the defence of reasonable punishment need to be made and incorporated into the supportive campaign to ensure all messaging is aligned.

Welsh Women’s Aid understands that all physical chastisement carries the risk of escalating into serious assault. This is largely due to the fact that this form of discipline is ineffective and therefore can lead to increased severity. Violence directed towards a child from a parent as punishment is often delivered in anger and frustration, as opposed to being a controlled parenting practice. Furthermore, deliberately hurting children as punishment is the only form of inter-personal violence that remains legal.

As mentioned above, Welsh Women’s Aid has been a longstanding member of the Children are Unbeatable Alliance and have been campaigning alongside the Children’s sector for a number of years to see this change in the law.

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. Violence against women and girls is a cause and consequence of gender inequality. Children and young people identify gender roles and stereotypes first and foremost from the structure within the family home, therefore challenging the endorsement of negative masculine and feminine ideals further reinforces the importance of this legislative proposal.

Empowering children and young people to understand they have the right not to be physically abused is another important factor to consider here. Enforcing this message within a legal framework will enable children to have a clearer indication of their rights and of the physical protection of their own personhood even in the family home. It will also contribute to a wider acknowledgement and understanding of domestic abuse, which links to the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, as well as supporting the Well-Being of Future Generations (Wales) Act 2015.
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)

Public awareness and perception could be potential barriers to successful implementation of the legislation, however this will hopefully be addressed within the provision of the existing parenting support and information campaign planned. There is demand and a need for a more comprehensive approach in Wales, led by the Welsh Government in order to address the intersectionality between reasonable punishment and VAWDASV.

The value of providing children and young people with adequate access to healthy relationships education has been supported by the publication of ‘Estyn: A review of healthy relationships education’ and the ‘Good Practice Guide: A Whole Education Approach to ending Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) in Wales’, however further support needs to be given to students in schools who may be experiencing domestic abuse or are feeling unsafe in the home.

Teachers should have adequate training to ensure they identify and challenge violent behaviour in a way that supports the new legal framework and therefore adopts a “zero tolerance” approach to bullying or any kind of physical abuse. This approach must clearly identify the differences between reasonable and unreasonable chastisement of children by parents.

Attitudes of parents and children around reasonable punishment and VAWDASV can be challenged by using social media and television to advertise and discuss these themes, to work towards a shift in culture.

Training and education should also go beyond parents and the classroom. The family court and CAFCASS Cymru should recognise physical chastisement as assault, especially where there is an identified history of domestic abuse in the home. Perpetrator programmes for domestic abuse need to address the impact of reasonable punishment within the home and the use of violence as a currency or discipline or frustration within the legal framework.

In order to promote healthy relationships and address the use of violence for punishment, the Bill should coincide with a recognition and commitment to increase funding for VAWDASV children and young people Specialist Service Workers throughout Wales to manage increased education, awareness and referrals. This also aligns with the Welsh Government’s commitment to compulsory Relationships and Sexuality Education in schools.

Lastly it should be acknowledged in the Bill’s guidance that coercive control can be central to a child’s experience of violence in the family home and therefore recognising and identifying this as a form of domestic abuse is pivotal to protecting their rights.
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 needs to go further to ensure intersectionality between the Bill, the ACEs agenda, the VAWDASV (Wales) Act and the Well-Being of Future Generations Act. The parental support campaign also needs to be extended to encompass teachers, family courts and domestic abuse perpetrator programmes, as identified above.

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)

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)

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)

Welsh Women’s Aid welcomes Welsh Government’s commitment to sending the clearest message that physical punishment of children is not acceptable. We recognise that inflicting physical punishment on a child does not equip them with the skills they need to understand their own emotions or behaviour in a positive, productive way. We are also aware of the need for a legal framework to set the cultural and social standards of acceptance, which will enable children and young people to recognise abuses like VAWDASV earlier in their relationships and adult life.

We applaud the Welsh Government’s commitment to protect children through this innovative and ground-breaking new legislation, and are committed to supporting its successful implementation, where possible, when it is passed.