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

Name: Julie Doughty

Role: Lecturer in Law

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)

Children should not be discriminated against by adults having a specific legal defence in cases of assault. There is no justification in assaulting a child as punishment or to try to teach them how to behave. Some pressure groups argue that a physical intervention by an adult to protect a child would lead to a criminal charge, if this Bill were passed, but this is a false claim. Under the current law, an adult caring for another adult who lacked communicative capacity might need to use physical means to stop that person injuring themselves but this would be proportionate and not defensible as a punishment. The same should apply to caring for children. It is not in children’s well-being to grow up thinking that violence between family members is acceptable, or an answer to anything.

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 because it is important that a clear message is given that there is no double standard. The ‘reasonable punishment’ defence is an anachronism and needs reform. Maintaining the
current law is contradictory to the principles of human rights and children’s rights that Welsh legislation follows.

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)

No

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)

It is essential that the wording of the Bill remains clear and uncomplicated. It is not about types of punishment or types of assault - it just needs to make the law the same for the protection of adults and children.