

Ending Physical Punishment

Briefing Note

In January 2020 the Senedd passed the Welsh Government's Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 ("the Act"). The overarching aim is to help protect children's rights and give all children in Wales the best start in life.

The Act received Royal Assent on 20 March 2020 and there now follows a comprehensive multi-media stakeholder and public awareness campaign before the Act comes into force on 21 March 2022.

The change in law does not create a new offence, rather it removes a 160-year old legal defence which sent the message that it was acceptable for children to be physically punished by their parents or those with parental authority. Over the years legislation has limited the circumstances where the defence could be used and limited the settings where children can be physically punished. Physical punishment has been

outlawed in schools, children's homes, local authority foster care homes and childcare settings.

Physical punishment is when you use physical force to punish a child. While smacking is what usually comes to mind, physical punishment can take many forms including, hitting, slapping and shaking. Attitudes towards physical punishment have changed with fewer parents and guardians of young children in Wales supportive of physical punishment. What was seen as okay 30 years ago is less so now.

The United Nations Convention on the Rights of the Child (UNCRC) is the basis for the Welsh Government's policy on children. Prohibiting the physical punishment of children is in accordance with article 19 of the UNCRC – the right to protection from all forms of violence. Once the law commences Wales will join over 55 nations across the globe who have already outlawed physical punishment towards a child.

When the law comes into force it will:

- Remove the defence of reasonable punishment. This means that adults can't physically punish children in Wales.
- Give children the same legal protection from physical punishment as adults.
- Remove a legal loophole, meaning that the defence of reasonable punishment can no longer be used in unregulated settings. These unregulated settings include some places of learning, worship, play or leisure, in the home or other locations which aren't regulated in the same way as schools or childcare settings for example.
- Bring clarity, making it easier for children, parents, professionals and the public to understand the law. This will improve the ability of professionals working with families to protect children by eliminating the current potential for confusion over what is an acceptable level of physical punishment. It will also enable professionals to provide clear, unambiguous advice to parents and carers that any level of physical punishment will be illegal in Wales.
- Help protect children's rights and send a clear signal that physically punishing children is not tolerated in Wales.

For more information on ending physical punishment in Wales visit: gov.wales/EndPhysicalPunishment or contact: EndPhysicalPunishment@gov.wales

For positive parenting tips and information go to *Parenting. Give it Time:* gov.wales/giveittime

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The change in the law will not:

- Create a new offence, it simply removes the defence of reasonable punishment.
- Stop parents disciplining their children - there is a big difference between discipline and physical punishment. Parents can use alternatives to physical punishment, as a means of maintaining discipline and addressing poor behaviour.
- Interfere with a parent's ability to parent – parents can of course physically intervene to keep a child safe from harm, or help with day to day activities such as dressing or hygiene and cleanliness.



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The available evidence, such as a review by the Public Policy Institute for Wales (now the Wales Centre for Public Policy), supports the view that legislation to prohibit physical punishment can contribute to changes in both the attitudes towards, and the use of, physical punishment if accompanied by sustained information campaigns and support for parents. They also concluded that the majority of researchers in the field make the judgement that all physical punishment under all conditions is potentially harmful to children.

Welsh Government's aim is to help protect children's rights by ending physical punishment. But acknowledge that, by removing the defence, a small number of parents may be charged with, or prosecuted for, a criminal offence in circumstances where that would not happen now. The Welsh Government are going to do everything possible to support parents, through providing advice, support and guidance and a comprehensive campaign to raise awareness of the law change; the intention is not to draw people into the criminal justice system but encourage more and more people to stop using physical punishment.



During this intervening period before the Act commences the Welsh Government is working with key stakeholders to ensure the Act will be implemented in the best way possible. Work is taking place through four task and finish groups overseen by a Strategic Implementation Group. These groups will consider how to monitor the impact of the Act; processes, guidance or training which may need to put in place following the removal of the defence and what additional, if any, support for parents will be required, including through a suitable diversion scheme. In addition, an Expert Stakeholder Group will oversee the communications work.

The Act is a part of a much wider package of support for children and their parents. This includes the *Parenting. Give it Time* campaign which offers ideas to encourage good behaviour and alternatives to physical punishment. Targeted support through programmes such as Flying Start and Families First also offer parenting support and advice alongside universal services provided by, for example, midwives, health visitors, GPs and Family Information Services.

Guided by the evidence, the Welsh Government expects incidents of physical punishment to reduce over time. The change in the law alongside awareness raising and ongoing support for parents will all contribute to this. Children and their rights are at the forefront of this legislation because physical punishment should not be an accepted part of any childhood.

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