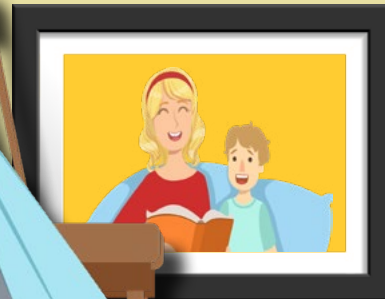
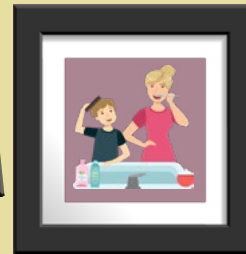
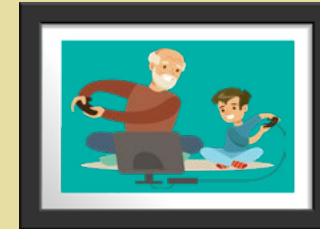


Removing the 'defence of reasonable punishment'



Llywodraeth Cymru
Welsh Government



A child and young person's version

Hello

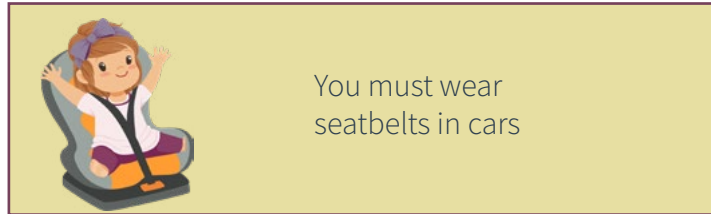
You are important. You should have everything you need to keep you safe.

The Welsh Government wants you to have a healthy, happy life.

To help this:

- we support families
- we make laws to keep you safe.

Over the years parenting has changed and rules have changed too.



These laws are part of keeping children safe. But we want to do more.

We want to change an old law that says it's okay to smack children.

Many parents and other adults have strong views on this, but we want to know what you think.



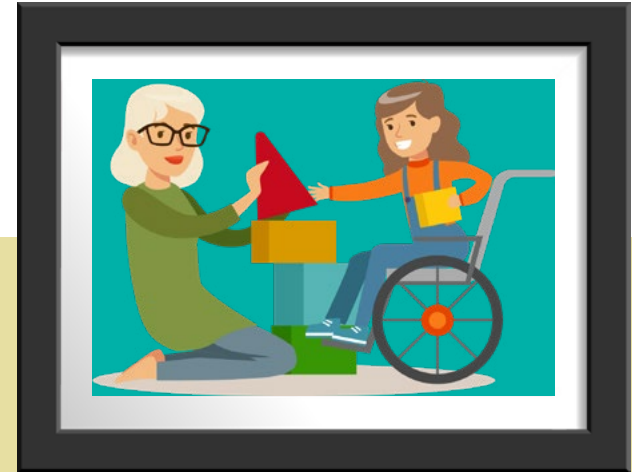
The story behind it

In **1860** a teacher, who had permission from the father, punished a boy. He was beaten badly and died from the injuries.

The judge at the trial at the time said that physical punishment should be “**moderate and reasonable**”

Reasonable –means fair. Judges decide what is reasonable based on rules set out in the law

This defence in law still stands. Physical discipline must be reasonable.



Things are changing

There are lots of studies and evidence that physical punishment:

- doesn't improve behaviour in the long term
- can have negative effects on children
- is becoming less acceptable to many parents.

Attitudes to parenting are changing.

Is it sometimes necessary to smack a naughty child?

In **1998**, the Department of Health asked 2000 British adults

88% said yes

In **2015** the Welsh Government asked 387 parents with children under 6 the same question

24% said yes

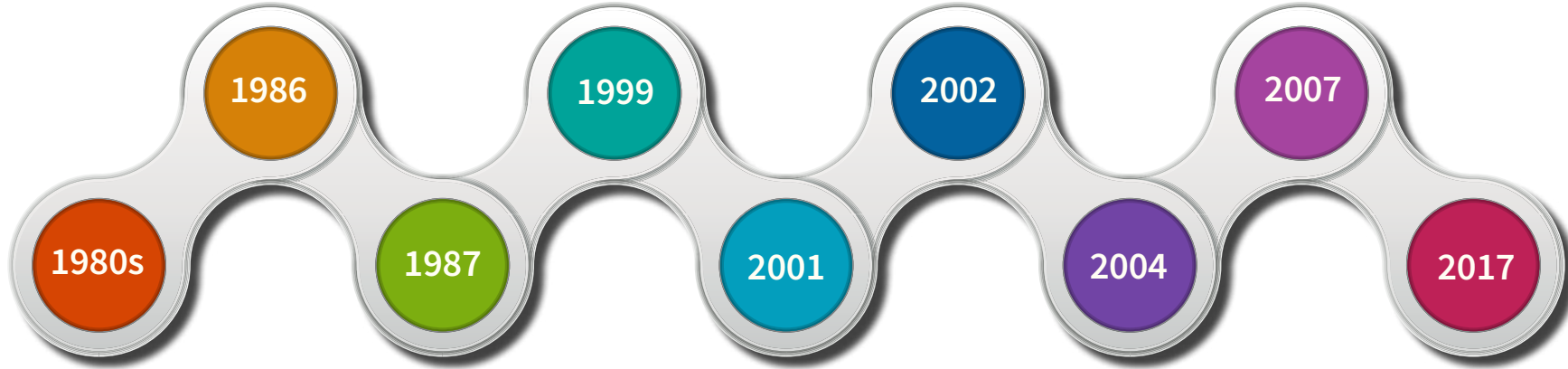
The law has already changed over time

1986 – UK Parliament looked at the law and started to make changes.

1999 – Physical punishment was stopped in independent and private schools.

2002 – Physical punishment was stopped in all Local Authority foster care.

2007 – Physical punishment was stopped in all childcare provision in UK.



Up to the 1980s – Physical punishment was common in schools.

1987 – Physical punishment was stopped in all local authority schools.

2001 – Physical punishment was stopped in children’s homes.

2004 – The Children Act 2004 limited how the reasonable punishment defence could be used.

2017 – Children still have less protection from physical punishment than adults.

Rights

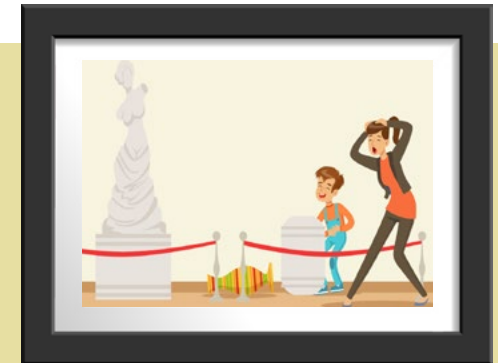
Everyone has rights including you.

Your rights are protected in the **United Nations Convention on the Rights of the Child (UNCRC)**

We have to think about your rights when we make decisions that affect your life.

Article 19 of the UNCRC says:

“You have a right to be protected from being hurt or badly treated. The state should help make sure children are protected”



What we want to do

We want to remove the defence of reasonable punishment in Wales.

This will mean:

- **Children will no longer have less legal protection from physical punishment than adults.**
- **The reasonable punishment defence will no longer be available to use.**
- **No adult looking after a child will be allowed to use physical punishment.**
- **The loopholes or gaps in the law that allow children in some places to be physically punished will be removed.**

Could this make some parents criminals?

We understand this fear. But this hasn't happened in other countries that changed their law. In New Zealand, the police data shows no rise in reports or in parents being prosecuted for 'light smacking'.

Supporting parents

We have lots of ways to support parents as the law changes:

- the "[Parenting. Give it time](#)" – website and media campaign supports parents raising children under 5
- the Families First programme
- Flying Start programme
- many other services and organisations.



Next steps

Thanks for reading this.

Please answer the questions below and tell us what you think.

The questions

? Do you think removing the 'defence of reasonable punishment' will help us protect children's rights?

Yes

No

Why?

? Is there anything we can do to support parents and carers?

Yes

No

What?

? Have we left anything out?

Send in your responses by 2nd April 2018

E-mail talkparenting@gov.wales

or send it to:

Removal of Defence of Reasonable Punishment
Consultation
Children and Families Division
Welsh Government
Cathays Park. Cardiff. CF10 3NQ

