Removing the ‘defence of reasonable punishment’

Questions and Answers
The Welsh Government want to change the law to help protect children. It will mean people can’t physically punish children any more in Wales.

**Physical punishment** is anything involving force to change a child's behaviour.

**Why do you want to do this?**

All children and young people have rights. The United Nations Convention on the Rights of the Child (UNCRC) says:

You have the right to be protected from harm and being hurt. *(Article 19)*

This includes physical punishment.

Wales is one of a few places in the world where the law supports children’s rights. It is at the heart of everything we do.

We now want to change the law to further protect these rights.

**What is the law now?**

It is against the law to beat, injure or assault a child. It is also against the law to physically punish children in schools, children’s homes, foster care and childcare. But parents and those acting in the role of a parent can still physically punish children.

If a parent goes to court for physically punishing a child, they can say it was reasonable punishment.

Using that explanation to justify their actions is called the defence of reasonable punishment. We want to remove this defence.

**How will the law change?**

This will change a law that exists now.

It will remove the defence of reasonable punishment. This will mean you can’t physically punish children in Wales.

**Who will this affect?**

This will affect everyone in Wales who cares for and looks after children or young people.
What will happen if a parent physically punishes a child?

If a parent or someone caring for a child physically punishes them, they could be reported to the police. The police will look at the facts and decide what action to take.

As they do now, the police will think about two important things:

- are there enough facts or proof to charge the person?
- is it in the public interest to charge a person?

They will also think about the best interests of the child.

Is this going to make parents criminals?

Laws don’t criminalise people. People choose to keep or break the law. If an adult physically punishes a child, they could be reported to the police. The police will look at the facts and decide what actions to take.

Does this mean children have the same protection from physical punishment as adults?

Yes children will have the same protection from physical punishment as an adult.

But this will not stop a parent holding a child to keep them safe from traffic or from hurting themselves.

It doesn’t stop parents cuddling their child, brushing hair or teeth, playing ‘rough and tumble’, or other things. This change to the law is only about ending physical punishment.
What do parents think about physically punishing children?

We asked parents and carers of young children if they agreed or disagreed whether it was sometimes necessary to smack a naughty child.

Most parents disagreed.

In 2015 – 71% of parents disagreed.
In 2017 – 81% of parents disagreed.

Does physically punishing a child cause long-term harm?

In 2018 a research review showed that physical punishment:
- may be harmful to children
- isn’t any more effective at changing a child’s behaviour than other methods
- can be linked to negative outcomes.

Why do you say physical punishment and not smacking?

Smacking is just one example of physical punishment. There are other kinds of physical punishments.

This will help protect children from all of them.

Have other countries done this too?

Yes. 54 other countries have done this.

Sweden did it in 1979. Scotland started the process of doing it in 2018.

Does this stop parents disciplining their children?

No. There is a big difference between discipline and physical punishment.

Discipline is about guiding children and teaching them how to behave well in life. You don’t need to physically punish a child to do this.
What are you doing to support parents?

This is one part of a bigger package of help and support for children and parents. We have:

- **Parenting - Give It Time** is a campaign giving positive parenting tips and information
- **Local services** promoting positive parenting
- **Flying Start** and **Families First** offering help and advice

What will this mean for public services?

Services already have systems in place to protect children. So, this probably won’t make much difference, but we will work and support them if the law changes.

Where can parents get help and support?

Parents can also get help and advice from:
- The **GP** or **health visitor**
- **Parenting - Give It Time**
- **NSPCC Take 5**
- **Family Information Services** ☏️ 0300 123 7777
- **Family Lives free helpline** ☏️ 0808 800 2222

You can also get help at:
- **Childline** ☏️ 0800 1111
- **MEIC** ☏️ 08088 023456