



Llywodraeth Cymru
Welsh Government

Ending physical punishment in Wales

Information for the childcare and playwork sector workforce

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 came into force on 21 March 2022. Physically punishing children is now illegal in Wales.

If you work with children in the childcare and playwork sector including day care, childminding, sessional care, crèches, out of school/holiday provision, staffed playwork provision and Flying Start provision or if you are a nanny, here's what you need to know.

What is physical punishment?

There are lots of types of physical punishment. It can mean smacking, hitting, slapping and shaking.

But there are other types too.

It isn't possible to give a set list of what makes up physical punishment because it can be anything where a child is punished using physical force.



Why is this law important?

The overarching objective of this law is to protect children's rights by prohibiting physical punishment of children. This gives children the same protection from assault as adults. The law is clear - easy for children, parents, professionals and the public to understand.

The intended effect, combined with an awareness-raising campaign and support for parents, is to bring about a further reduction in the use and tolerance of the physical punishment of children in Wales. This is important because research suggests that any type of physical punishment could be harmful to children.

What's changed?

From 21 March 2022, no one in Wales can use the 'defence of reasonable punishment' as a defence to common assault.

All physical punishment is illegal in Wales.

Does the new law apply to everybody in Wales?

Yes, it applies to everyone - parents or anyone who is responsible for a child while the parent is absent.

And as with other laws, it applies to visitors to Wales too.

Stopio Cosbi
Corfforol

Ending Physical
Punishment



What happens if people use physical punishment?

They will be breaking the law.

The new law is not intended to prevent parents from disciplining their children. However, if they use physical punishment to discipline a child in their care they could be charged with common assault. They may get a criminal record which is the same for any criminal offence.

Across Wales advice and support is available to encourage people to stop using physical punishment and find positive ways to manage children's behaviour.

In cases where the police decide further action is required, there will be an option of a rehabilitative alternative to prosecution. If the police decide this is appropriate, they can refer an individual into out of court parenting support to encourage positive parenting techniques and help avoid re-offending. This additional support will be delivered by local authorities.



What does this mean for my sector?

The National Minimum Standards for Regulated Childcare for children up to the age of 12 years places a responsibility on the registered person to ensure that physical punishments, or the threat of them, are never used.

There are also clear expectations in the standards in relation to child protection and safeguarding. All services, including unregistered services, have safeguarding responsibilities towards children in their care.

You should refer to the Wales Safeguarding Procedures, and its Practice Guide on Safeguarding children in relation to the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020, when dealing with incidents of physical punishment. You should also continue to keep up to date with your sector's updates to guidance and training.

Across all sectors, removing the defence of reasonable punishment means that practitioners can provide clear, unambiguous advice to parents and carers that any level of physical punishment is illegal in Wales.



Where can I find out more?

Information about ending physical punishment can be found at:
gov.wales/EndPhysicalPunishment

The *Parenting. Give it time* campaign provides positive parenting tips and expert advice:
gov.wales/giveittime

Wales Safeguarding Procedures:
safeguarding.wales

Wales Safeguarding Procedures (Practice Guide):
Safeguarding children in relation to the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020

National Minimum Standards for Regulated Childcare for children up to the age of 12 years:
gov.wales/national-minimum-standards-regulated-childcare

**Times have changed. Attitudes have changed.
There is no place for physical punishment in a modern Wales.**