



Llywodraeth Cymru  
Welsh Government

# Ending physical punishment in Wales

## Information for the legal sector

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (the Act) makes the physical punishment of children **illegal** in Wales.

As a member of the legal profession, here's what you need to know about the change in law.

### Why is the change in law important?

The overarching objective of the Act is to protect children's rights by prohibiting physical punishment of children by parents and those acting in loco parentis. It gives children the same protection from assault as adults, and makes the law clearer so it is easier 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.

### Does the change in 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 (in loco parentis). If an individual physically punishes a child they will be breaking the law and could be charged with common assault, and/or other offences depending on the circumstances of the case.

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



### What's changed?

On 21 March 2022, Section 1 of the Act came into force. It has abolished the common law defence of reasonable punishment, so it can no longer be used in Wales where a child has been physically punished. The Act defines corporal (i.e. physical) punishment as any battery of a child carried out as punishment.

Prior to 21 March 2022, the defence of reasonable punishment was available to parents or those acting in loco parentis, in respect of both the criminal and civil law.

The removal of the defence means that no one in Wales will be able to use the defence of reasonable punishment as a defence to common assault of a child.

The defence of reasonable punishment is still available in England. This is the first example of a difference in the core criminal law between Wales and England.

Stopio Cosbi  
Corfforol

Ending Physical  
Punishment



## What does this mean for my sector?

Legal professionals may need to provide advice to a parent, or person acting with parental responsibility, who has physically punished the child they are caring for. If the assault takes place in Wales, the defence of reasonable punishment will no longer be able to be used as a defence to the assault.

A rehabilitative alternative to prosecution has been put in place, for cases where the police decide it is appropriate to offer an out of court disposal. In such cases, the police can refer the individual into out of court parenting support to encourage positive parenting techniques and help avoid re-offending.

Professional guidance and training for the legal sector may be updated to reflect the change in law.

It is important that the legal profession is familiar with the change in the law in Wales and what it means for them as professionals and the clients they represent and/or advise.



## Where can I find out more?

Information about ending physical punishment can be found at:  
[gov.wales/EndPhysicalPunishment](http://gov.wales/EndPhysicalPunishment)

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (including explanatory notes):  
[legislation.gov.uk/anaw/2020/3/contents/enacted](http://legislation.gov.uk/anaw/2020/3/contents/enacted)

A Justice Impact Assessment completed for the implementation of the Act:  
[gov.wales/children-abolition-defence-reasonable-punishment-wales-act-2020-integrated-impact-assessments](http://gov.wales/children-abolition-defence-reasonable-punishment-wales-act-2020-integrated-impact-assessments)

Crown Prosecution Service have updated the 'Charging Standard' and 'Child Abuse (non-sexual) - prosecution guidance' to reflect the change in the law. These can be found here:  
[cps.gov.uk/legal-guidance/offences-against-person-incorporating-charging-standard](http://cps.gov.uk/legal-guidance/offences-against-person-incorporating-charging-standard)  
[cps.gov.uk/legal-guidance/child-abuse-non-sexual-prosecution-guidance](http://cps.gov.uk/legal-guidance/child-abuse-non-sexual-prosecution-guidance)

Wales Safeguarding Procedures:  
[safeguarding.wales](http://safeguarding.wales)

Wales Safeguarding Procedures (Practice Guide):  
[Safeguarding children in relation to the Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Act 2020](http://Safeguarding%20children%20in%20relation%20to%20the%20Children%20(Abolition%20of%20Defence%20of%20Reasonable%20Punishment)%20(Wales)%20Act%202020)

Further information about the out of court parenting support scheme can be found here:  
[gov.wales/out-court-parenting-support-grant-guidance](http://gov.wales/out-court-parenting-support-grant-guidance)

References to the change in the law may also be included in legal publications such as *Blackstone's Criminal Practice*.

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