Llywodraeth Cymru
Welsh Government

Ending physical punishment in Wales

Information for police officers / forces in Wales

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

In your role as a police officer, you may be required to interact with parents, children and adults responsible for children in their care. It is important to understand the implications of the law change for yourself, your profession and the wider community.

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.

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Ending Physical Punishment

What does this mean for the police?

The change in law means that the defence of reasonable punishment cannot be considered by the police or the Crown Prosecution Service (CPS) in Wales in any investigation relating to common law offences of assault and battery committed against a child.

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.

If a conditional caution is being considered by the police they must refer the matter to the CPS for the decision to be taken. A community resolution would not require a referral to the CPS. Any case referred by the police to the CPS relating to the Act will be dealt with by a team of lawyers who have been specifically trained to deal with these referrals.

A Practice Guide, which complements existing safeguarding procedures, provides additional information about safeguarding responses in relation to the Act. The CPS have updated the 'Charging Standard' to reflect the change in the law. This guidance sets out how prosecutors and police should approach charging decisions in cases involving offences against the person.

Where can I find out more?

Information about ending physical punishment can be found at:
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

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

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

College of Policing:
college.police.uk

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
cps.gov.uk/legal-guidance/child-abuse-non-sexual-prosecution-guidance

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

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