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Llywodraeth Cymru
Welsh Government

Welsh Government Consultation – summary of responses

Annex B - Consultation on the Legislative Proposal to Remove the
Defence of Reasonable Punishment: public consultation activities on
behalf of the Welsh Government - summary report

August 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

**Welsh Government Consultation on the
Legislative Proposal to
Remove the Defence of Reasonable Punishment**

**Feedback from
Public Consultation Activities**

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Executive Summary

Currently the law allows the defence of reasonable punishment for parents or adults acting in loco parentis for charges of common assault and battery. The Welsh Government intends to introduce legislation to remove this defence, a commitment set out in the Programme for Government. As part of the formal consultation for the Removal of the Defence of Reasonable Punishment Bill, the Welsh Government commissioned activities to engage with four key audiences:

- 'Table Talk' workshops for representatives from stakeholder organisations
- Focus groups with parents
- Workshops with young people aged 11-19
- Questionnaires for members of the public completed at 'drop-by' sessions

Fieldwork took place in March 2018, and 274 people provided feedback, specifically:

- 61 representatives from stakeholder organisations¹
- 55 parents
- 54 young people
- 104 members of the public who completed questionnaires, of which 61 individuals were parents of children under 18.

Key Findings

Strongly held, well-articulated views were expressed both in favour and against the legislative proposal in relation to its stated purpose and potential impact.

1. *Protecting Children's Rights*

- Overall 57% of participants agreed that removing the defence of reasonable punishment will help to protect children's rights, 25% disagreed and the remaining 18% did not express an opinion.
- Participants felt that children have a right to a safe childhood and the same rights should be awarded to a child as any adult.
- Those in favour of removing the defence argued that it is unacceptable for anyone to use physical force against a child and that children should have the same protection under the law as adults. They felt that the current legally accepted definition of reasonable punishment is open to misinterpretation.
- They argued that the legislative proposal to remove the defence of reasonable punishment will clarify both the rights of the child under the UNCRC and parental responsibilities.
- Whereas those who felt the proposal will not help to protect the rights of the child argued that children's rights are adequately protected by existing laws

¹ See Appendix 1 for details

- They also felt that in seeking to protect children's rights, the Welsh Government is undermining parents' rights and that the State has no right to interfere in the way parents raise and discipline their children.

2. *Understanding of Key Definitions*

- If the legislation is passed the defence of reasonable punishment would no longer be available in Wales to parents and those acting in loco parentis facing a charge of assault or battery against a child in their care.
- When questioned, participants' knowledge and understanding of the terms 'physical and corporal punishment' varied considerably. Many felt that the inter-changeable use of both terms in the Welsh Government consultation document leaves their meaning open to misinterpretation by both professionals and the wider public.
- Feedback identified the need for a high profile, public education campaign to help parents understand the legislative proposal and its potential consequences.

3. *Potential Impacts*

- No clear consensus emerged when stakeholders, parents and members of the public were asked if they agreed with the Welsh Government's understanding of the potential impact on public bodies in Wales, if the law is changed.
- Although agreeing that core impacts on public bodies had been identified, the general view was that the impacts had been underestimated and that other potential impacts had been missed, for example, safeguarding teams may receive an increase in referrals which in turn may divert resources from more serious cases of child abuse.
- Many participants felt that the Welsh Government should provide greater clarity about the legislative proposal, explain the mandatory steps expected of public bodies and offer advice on resource implications to ensure an appropriately trained workforce is in place to meet any increased workload.

4. *Additional support*

When asked about support needs should the legislative proposal be enacted, most participants agreed that the Welsh Government should:

- Put in place additional support for parents, carers and guardians. For example, the number of evidence-based, open access parenting programmes should be increased, plus a high profile public awareness raising campaign to engage parents and so develop their understanding of the proposed change.
- Provide more guidance and training to support frontline professionals such as the Police, social workers and teachers, as developing consistent practice is essential. Workforce development was the most commonly identified support need to ensure the successful implementation of the proposed legislation.

Introduction

The Welsh Government's commitment to seeking cross-party support to end the defence of reasonable punishment was set out in "Taking Wales Forward", the Programme for Government (September 2016), which outlines what action the Welsh Government will take to improve the lives of people in Wales.

Under the current law, the defence of reasonable chastisement is available to parents and those acting in loco parentis for the offences of common assault and battery. On 18 May 2016, the First Minister announced the Welsh Government's intention to introduce legislation to remove the defence of reasonable punishment.

In line with Ministerial commitments, the Welsh Government commissioned a public engagement process to enable key audiences to be fully engaged with the Removal of the Defence of Reasonable Punishment Bill consultation. This targeted public engagement process was part of the formal Welsh Government consultation and had four discrete elements:

- 'Table Talk' workshops for representatives from stakeholder organisations
- Focus group sessions with parents²
- Workshops with young people
- Questionnaires for members of the public completed at 'drop-by' sessions

Fieldwork Methodology

The fieldwork approach was agreed with the Welsh Government policy team and engagement opportunities were planned to achieve a balanced geographical, linguistic, cultural and social range. Fieldwork took place between 14 - 23 March.

2.1 'Table Talk' events for representatives from stakeholder organisations

Three regional consultation events were held at:

- Coleg y Cymoedd, Nantgarw, 14 March 2018
- The Liberty Stadium, Swansea, 15 March 2018
- Venue Cymru, Llandudno, 20 March 2018

An email invitation was issued by the Welsh Government policy team to a wide range of stakeholder organisations with an interest in the proposed legislative reform. The events were attended by representatives from local authorities, regional education consortia, Estyn, local health boards, Children's Commissioner for Wales, faith and campaigning groups, voluntary sector organisations and individuals who had registered an interest in the proposal.

² In this report the term 'parents' refers to parents, carers and guardians

Each event was held over two hours and consisted of:

- A video address from the Minister for Children and Social Care;
- A brief presentation on the legislative proposal to Remove the Defence of Reasonable Punishment; and
- Workshops to explore stakeholders' views on the consultation questions.

For each workshop, participants self-selected a discussion group of up to 6 people. Each group was provided with bilingual consultation materials and background information about the legislative proposal, and was asked to identify a chair, spokesperson and scribe. They were then asked to consider two consultation questions in detail during each workshop. Following discussion, each group's key points were summarised on a standard feedback template. They then provided an overview of their discussions to the whole audience during a plenary session.

In total 61 individuals participated in the 'Table Talk' workshops, with 44 stakeholder organisations represented (see Appendix 1). In addition to attending these events, stakeholders were also encouraged to raise awareness of the legislative proposal with their colleagues and wider audiences, and to respond to the online Welsh Government consultation.

2.2 Focus groups with parents

Four focus groups³ were held:

- Flying Start⁴ Parenting Group, Caerphilly
- Flying Start Parenting Group, Denbighshire
- Parents of disabled children, Conwy
- Parenting Network Conference, Caerphilly

Prior to the consultation, each group was provided with bilingual information about the legislative proposal, namely the Easy Read guide (A community version). Using a standard interview guide, they were asked to consider, discuss and give their views on six consultation questions. In total 55 parents participated, with a gender balance of 51 female and 4 male. Almost all (n = 48) were parents of children under the age of 18 years and the age range of participants was:

Age Range (years)	No. of parents
16 - 29	25
30 - 49	27

³ Established groups were used where practicable due to the short timescale involved.

⁴ Flying Start is a Welsh Government funded programme and is available in targeted areas. Parents that attend Flying Start groups will have children aged 0-3 year olds

50 - 69	3
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2.3 Workshops with young people

Two workshops with young people aged 11-19 years were held with:

- a cross-section of invited students from Pembrokeshire College, Haverfordwest
- members of the school council and sixth form students from Ysgol y Berwyn, Bala, Gwynedd

Prior to the workshops, each group was provided with bilingual information about the legislative proposal, namely the Easy Read guide (A child and young person's version). Using a standard interview guide, they were asked to consider, discuss and give their views on four consultation questions. In total 54 young people took part, with a gender balance of 29 female and 25 male.

1.3 Questionnaires with member of the public

A bilingual questionnaire, with a mix of open and closed questions focusing on key aspects of the consultation, was used to gain the views of the general public via interviews at two 'drop-by' sessions held at:

- St Fagans National Museum of History, Cardiff
- Colwyn Leisure Centre, Conwy

The total number of completed questionnaires was 104, with a gender balance of 48 male (46%) and 56 female (54%). The age range of the respondents is shown in Table 2; 71 respondents (69%) were parents of which 61 individuals (59%) were parents of children under 18.

Age range	%
Under 16	3
16-29	26
30-49	55
50-69	14
70+	2

While qualitative research was the most appropriate methodology for aspects of this consultation, it is important to bear in mind that it utilises small samples that are chosen to ensure representation of a range of views. Qualitative research is designed to be illustrative and this needs to be taken into account when interpreting the findings. Quantitative findings in this report are based on collated responses from participants.

Key Findings

This report summarises responses to four key consultation questions received at the various public engagement activities, namely regional ‘Table Talk’ events for representatives from stakeholder⁵ organisations, focus groups with parents and young people plus ‘drop by’ sessions for the general public. Where practicable, responses for each consultation question are reported by audience namely:

- Representatives from stakeholder organisations
- Parents
- Young people
- Public - people who completed questionnaires at public drop-by sessions

In total 274 people provided feedback via the public engagement exercise. By a small majority, those parents who were consulted in focus group sessions were aware of the Welsh Government’s proposal to remove the defence of reasonable punishment. The majority of young people and those who completed questionnaires at public drop-by sessions however, were unaware of the Welsh Government’s legislative proposal prior to taking part in the consultation activities.

Audience	Stakeholders	Parents	Young People	Public	Average
Sample size (n = 213)	-	55	54	104	-
Response	%	%	%	%	%
Yes	Not asked	55	9	37.5	34
No	Not asked	45	91	62.5	66

Consultation Question 1; Protecting Children’s Rights

⁵ For the purposes of this report, the stakeholder audience is defined as representatives of stakeholder organisations, or individuals who had registered an interest in the proposal that attended the ‘Table Talk’ events.

Given that Welsh Government policy for children and their families is set firmly in the context of the United Nations Convention on the Rights of the Child, the overarching objective of the proposed legislation is to support children’s rights by prohibiting the use of corporal punishment, through the removal of the defence of reasonable punishment. This would remove the current anomaly whereby children have less protection with regard to physical punishment than adults.

Participants were asked to consider if they thought removing the defence of reasonable punishment will help to protect children’s rights in Wales.

Table 5; Do you think removing the defence of reasonable punishment will help to protect children’s rights?

Audience	Stakeholders	Parents	Young People	Public	Average
Sample size (n = 274)	61	55	54	104	-
Response	%	%	%	%	%
agreed	56	51	54	67	57
disagreed	34	13	39	16	25
no opinion	10	36	7	21	18

A majority of participants from all four audiences agreed that removing the defence of reasonable punishment will help to protect children’s rights. When considering this question, participants were asked to explain why they agreed or disagreed.

3.1. a Stakeholders

Although asked specifically about protecting children’s rights, strongly held, well-articulated views were also expressed on the wider issue of whether or not those present supported or were against the legislative proposal.

Reasons given by stakeholders who agreed that removing the defence of reasonable punishment will help to protect children’s rights are set out below.

The current legally accepted definition of ‘reasonable punishment’ is perceived as outdated and open to misinterpretation. It was acknowledged that although professionals have a responsibility to report if a child is thought to be in danger in practice it is difficult to define ‘reasonable’. Its potential use as a defence also undermines the Welsh Government’s commitment to promote and uphold children’s rights. Participants felt that children have a right to a safe childhood and the same rights should be awarded to a child as any adult. They felt that it is not acceptable to physically punish children and that message is best enshrined in law. They argued that the legislative proposal to remove the defence of reasonable punishment will

clarify both the rights of the child under the UNCRC and parental responsibilities. The legislative proposal was also described as supporting a cultural shift in attitudes towards the physical punishment of children that has taken place in Wales and beyond, over recent decades.

Examples of feedback included:

'If someone has the right to hit you then clearly your rights are not protected.'

'It sends a clear message to the wider public about what is and is not acceptable vis-a-vis how to treat children.'

'Physical punishment doesn't work – small children don't understand and older children get angry.'

'Reasonable can be misunderstood especially in different cultures.'

'Just because it was done in the past, doesn't mean it is acceptable in today's society with what we now know.'

'Lots of people born in the 1960's think it is OK to physically punish children, the 'it didn't do us any harm' attitude. But it's coming to light that isn't the case.'

Those stakeholders supportive of the legislative proposal felt, however, that more information is needed for parents to understand fully the implications of the proposal. A specific need was identified to consider the range of religious views and cultural sensitivities that exist. Participants also stressed the importance of a joined-up strategic approach to ensure the legislative proposal complements other Welsh Government policy initiatives; for example work to address Adverse Childhood Experiences and to develop safe play spaces.

Views were also articulated about how the legislative change would be enforced, with concerns expressed that no governmental actions will completely prevent the physical punishment of children in whatever forms it takes. They suggested that, if enacted, the legislation needs to be implemented alongside strategies to build parental confidence in alternative, non-physical methods for maintaining discipline such as positive parenting support and nurturing programmes.

Reasons given by stakeholders who disagreed that the legislative proposal will help to protect children's rights are set out below.

Participants argued that children are protected from abuse without having to remove the defence of reasonable punishment. They felt that children's rights are adequately protected by existing laws and the proposal will not help to protect the rights of the child as it does not deal with underlying issues faced by families such as poor health

and poverty. Taken to its logical conclusion, such a rights-based approach would, it was argued, lead to the removal of any form of child discipline or punishment. For example, the removal of possessions such as mobile phones and the withdrawal of privileges could also be seen as denial of a child's rights. Also it was felt that introducing new legislation will not change parental behaviour. They argued that, as most people already understand where the 'reasonable' boundaries lie, instead of removing the defence of reasonable punishment, the current law and terminology need greater clarification.

'Children's rights are protected within the family context. They have a right to stay within the family without State influence.'

'This won't have a significant effect. The law will be ignored just like in Sweden. How can we police this? This will take the police away from real criminals who actual do harm. Teach parents to lovingly discipline their children.'

Reasonable punishment, it was argued, can be, and is used by parents in a caring, loving environment. In that context, discussions sought to clarify the participants' personal interpretation of what constitutes a reasonable level of physical punishment. They felt a reasonable level was context-dependent. For example, it was argued that a difference exists between grabbing a child for personal safety reasons, such as to prevent them running towards traffic, and hitting a child after such an incident. A few participants suggested making greater use of restorative approaches to repair damaged parent-child relationships.

'Physical punishment works. It all comes down to boundaries. Boundaries make this country safe.'

A further argument put forward was that the consultation document does not provide sufficient evidence that reasonable punishment causes harm and that the research findings quoted are contradictory. In particular they felt that in seeking to protect children's rights, the Welsh Government is, in effect, undermining parent's rights. In that respect the consultation is perceived as unbalanced, and parent's rights need greater consideration. There was also discussion regarding the role of the State in determining approaches to parenting. Children's rights were seen by some as an integral aspect of family life and parental responsibility; children are raised by their parents and it is they who make the decisions. Consequently, it was felt that the State has no right to interfere in the way parents raise and discipline their children.

'Is this the wrong question? Should parents' rights be protected especially their right to care for and discipline their child.'

'There is only one side of the argument in the consultation document. How the law should be changed is the question not should the law be changed. The document does not ask to what extent the State should interfere with the life of the family.'

Concerns were also expressed about the potential unintended consequences of the proposed legislation. For example, whether removing the defence of reasonable punishment would simply result in an increase in physical punishment being given without witnesses and if it would generate an increase in other forms of harmful non-physical punishment such as withholding food, or mental/emotional abuse. The negative impact on a child's wellbeing if a case goes to court was also considered. In such circumstances, if a parent is prosecuted, found guilty and their child removed from the care of the family, it was argued that the child may then have its rights to family life denied.

'If we remove this defence, parents will be outside of the law regardless of whether they were actually harming their child. Hitting doesn't mean harm!'

'We feel that encouragement to achieve a cultural shift in attitudes and behaviours is needed rather than criminal prosecution.'

3.1. b Parents

Approximately half of parents (51%) felt that the legislative proposal was a positive change. They reasoned that as children are vulnerable, they should have the same rights as adults, if not more.

'Parents have a duty to protect their children. There is no reason not to.'

'I thought smacking by hand is already unlawful.'

I have concerns over the term 'reasonable'. It is subjective and the law needs to be a definitive 'yes or no'.'

They also expressed concerns however that removing the defence of reasonable punishment will make people more likely to smack their children secretly so in reality children may not be protected. They argued that some parents may be reluctant to change their behaviour and had concerns regarding how the proposed change would be policed. Examples of feedback included:

'How will it be monitored? Unless a child spoke up or it was observed by someone, how would you know?'

'It is a start but can't protect all children. Some parents will still hit their children. While the law change will stop parents hiding behind the reasonable excuse, it will drive the problem underground.'

'You can fine people but they also need positive reinforcement. They need to know the reasons why they snapped and support to stop it happening again.'

3.1. c Young people

Just over half of young people (54%) were in favour of the proposal. They felt that all children deserve a chance to be happy and safe at home and, whilst accepting the need for discipline, argued there is no logical reason why a parent should be allowed to hit a child in Wales in the 21st Century. They felt that it is important for children to know their rights and how they can access legal protection if needed.

'It's a good idea to do this because Wales is coming into line with the other countries.'

'The Government should stop parents from hitting their children. It's fairer as children are not allowed to hit their parents. It doesn't work both ways.'

They argued that alternative non-physical forms of discipline such as being grounded and having privileges removed are more effective, and that using violence towards children encourages them to think it is acceptable to hit others. Children, they reasoned, should be encouraged by their parents to recognise and learn from their mistakes instead of being punished physically.

'There is a thin boundary between discipline and loving care. Punishing a child with violence causes them to solve problems with violence.'

'Children are impressionable and see their parents as role models so if they see a parent hit their brother they may think it is ok to hit others.'

Those young people who disagreed with the legislative proposal (39%) were unsure if such a change will actually stop parents using physical punishment against their children in private. They also expressed concerns about potential malicious accusations by children against their parents. A minority saw it as the State interfering intrusively with the right to a private life and impacting on family life.

'Why should the State determine what is right and wrong for our children?'

'It might give children more rights but is it of benefit to them in terms of their discipline? It may help in their childhood but it may not help when they are older if they have not been disciplined.'

A few young people (7%) were undecided, but in general stressed the need for physical punishment to be reasonable.

'There are two sides to every story. Parents shouldn't be able to hit children however children still need some form of punishment.'

'I agree a slight smack is OK but a harder smack is not because this could instil fear and make a child afraid to speak, leaving them with psychological damage and vulnerable to abuse.'

3.1. d Members of the public

Two thirds of the members of the public (67%) who completed questionnaires were in favour of removing the defence of reasonable punishment and felt it would help to protect children's rights. They maintained that it is unacceptable for anyone to use physical force against a child and that children should have the same protection under the law as adults. They also argued that there is too much uncertainty with the current legal terminology i.e. the concept of reasonable punishment is too open to interpretation, and suggested that there are more effective alternative ways to discipline a child. Examples of feedback included:

'Every child has the right to live safely and not be subjected to acts of this nature.'

'What individuals feel is 'reasonable' differs from parent to parent. Therefore children cannot be protected. A child has the right to be safe and cared for properly!'

'Parents that do physically punish their children may underestimate the level of harm and pain they are causing. Others may use it to cover abuse. Removing this defence would hopefully protect children and their rights not to be harmed.'

'Discipline is an essential life skill, but in the heat of the moment what is defined as 'reasonable'? Better to have a blanket ban so parents have a clear understanding.'

Fewer members of the public (16%) argued against the legislative proposal. Reasons given reflected participants' anxieties about the potential loss of parents' rights and freedom to exercise parental responsibility without interference from the Welsh Government. They also argued that physical punishment is an effective form of discipline but needs to be proportionate, age-appropriate and reasonable. Others contended that the psychological impacts of physical punishment on children should be subject to further research before any change in legislation. Also concerns were expressed about how the legislative proposal would be enforced.

'It is a parent's right to decide how to bring up a child. It's the only way to teach a child right from wrong.'

'Who is bringing up the child - the State or the parents? It should be the parents with guidance and protection from the State.'

'A child needs discipline plus telling a child of two not to touch an electric socket does not work - a little tap on the hand reinforces the message.'

'I would hope that it would prevent punishment at home but behind closed doors you never know what goes on.'

Consultation Question 2; Knowledge of Key Definitions

The Welsh Government is proposing to remove the defence of reasonable punishment so that it is no longer available to anyone facing a charge of assault or battery. It would mean that any adult looking after a child would no longer be able, under the law, to use physical or corporal punishment against them. This section, therefore, focuses on participants' knowledge and understanding of the terms 'physical punishment and corporal punishment'.

Throughout the engagement activities it became apparent that the participants' knowledge and understanding of the terms 'physical and corporal punishment' varied considerably.

Audience	Parents	Young people	Public	Average
Sample size (n = 213)	55	54	104	-
Response	%	%	%	%
yes	50.5	49	73	58
no	30	49	11	30
not sure	19.5	2	16	12

3.2. a Parents

Half of the parents who took part in focus group sessions reported that they knew the terms physical and corporal punishment. When asked to give examples, parents expressed considerable confusion over these terms and the types of actions and behaviours that constituted physical and corporal punishment. Examples included smacking and hitting alongside other more extreme forms of punishment such as slapping a child across the head, washing their mouth with soapy water, kicking, biting and even cigarette burns.

3.2. b Young People

Similarly almost half of the young people (49%) who took part in focus group sessions reported that they knew the terms physical and corporal punishment. Most young people stated that they understood physical punishment and in many cases gave examples which included slapping, hitting, punching, hair pulling, grabbing and restraining someone. They were far less familiar however with the term corporal punishment. Examples given included punishment by the State or an institution, for

example within prison, or being hit with an object such as a belt, slipper, cane or whip.

3.2. c Members of the public

Almost three quarters of the members of the public (73%) reported that they knew the terms 'physical punishment and corporal punishment'. When asked to give examples of actions or behaviours that they considered to be 'physical/corporal punishment', those individuals gave examples including:

- Smacking (35 examples)
- Hitting and slapping (21 examples)
- Physical restraint, to include holding, excessive pulling/pushing (8 examples)

A wide range of other examples were also given however which included:

- verbal abuse
- the naughty step
- biting
- punching
- hitting with an object such as a cane
- beating
- withdrawal of privileges
- refusing to provide food or shelter

A minority of individuals also attempted to define 'physical and corporal punishment'. Examples are included below which clearly show the wide range of interpretation of the terms by the general public.

'Anything that causes discomfort to a child.'

'Using violence or an object to hit or chastise a person, usually a child.'

'Physical punishment is anything that causes physical harm.'

'Physical punishment to me would include any smacking or hitting of a child. Corporal punishment is a sanction which does not include a physical act.'

'Physical punishment is anything that is more excessive than discipline i.e. putting a child outside for a long period of time. Corporal punishment is using an implement to administer punishment i.e. a cane.'

'Contact with another person done to punish or in anger e.g. smacking.'

'Corporal is the State using physical punishment instead of parents.'

3.2. d Stakeholders

Given their interest in the consultation, stakeholders were not asked if they knew the terms physical punishment and corporal punishment but instead were asked if they thought that the terms are easily understood (see table 5).

Table 7	
Response (n = 61)	%
Yes	15
No	82
Don't Know	3

Most stakeholders (82%) disagreed; they felt that the inter-changeable use of both terms in the Welsh Government consultation document caused confusion. In turn distinguishing between the two terms is problematic and so their meaning is open to misinterpretation by both professionals and the wider public. The term reasonable also generated much discussion, was considered to be subjective and again open to interpretation. They agreed that the Welsh Government needs to further explain the difference between discipline and punishment and to establish simple, agreed terminology for physical contact by a parent that is considered harmful. Also, whilst recognising that threats of violence and intimidation i.e. psychological punishment are not physical actions, such behaviours were nevertheless considered by some participants to be equally harmful.

Although the consultation document identifies actions that parents, guardians and carers undertake on a day-to-day basis as part of their role to nurture and protect their children, some participants asked for thresholds of acceptable and unacceptable physical force to be defined more clearly. For example, the physical force used by a parent to protect a child was perceived to be very different to acts of physical punishment used to discipline a child. Some participants argued that a distinct difference exists between forms of discipline that do not leave a mark, such as a gentle smack, and hitting a child more forcibly. Others felt that such a distinction creates a 'grey area' that could be exploited legally. A small number of participants with strong religious beliefs argued that from a moral perspective their duty is to obey God not the laws of man.

'What is smacking? How to define? There is a lack of clarity regarding what comes under physical punishment.'

'A loving smack is a good type of discipline. It is immoral to take that right away.'

'Clarity comes from removing all physical punishment, as all other terms are subjective and there is no common understanding of terms.'

Examples of actions and behaviours they considered to be physical/corporal punishment included smacking, hitting, slapping, grabbing, biting, hair pulling, punching, pinching, scrambling, and being pushed and pulled. Corporal punishment was described as being more formal and typically given by persons in authority. Clarification was also sought as to whether other forms of chastisement such as verbal abuse, intimidation and neglect (depriving a child of warmth, food or appropriate clothing which has a physical impact on the child) would constitute physical punishment should the legislative proposal be enacted. Other stakeholder feedback focused on the need for a public education campaign to help parents understand the terminology.

'The UNCRC definition of physical and corporal punishment needs to be 'broken down' and parent/carers need to be supported to understand these terms.'

'If I saw someone smacking a child I would ring Children's Services. Do we need to provide supporting evidence? Will this put bystanders/potential witnesses in danger?'

Consultation Question 3: Potential Impacts

The Welsh Government’s understanding of the potential impact of the legislative proposal on public bodies was shared with participants and is summarised below:

- **The Police;** the four police forces in Wales suggest that removing the defence will not change how they work but following legislative change there may be more reports initially when people get to know about the change in the law.
- **Social Services** support families and suggest a change in the law would help social workers give clearer advice about positive parenting.
- **Schools;** teachers see children daily and play a big part in keeping them safe. They already have a legal duty to report if a child says they’ve been smacked or they see a child being smacked. A change in the law would not increase expectations on teachers in this respect.
- **Crown Prosecution Service and Her Majesty’s Courts and Tribunal Service;** there could be more people reported to the police immediately following the change in the law. The Crown Prosecution Service would liaise with the police, consider the evidence available and decide whether a prosecution would be in the public interest.

(Adapted from the Welsh Government easy-read consultation document)

There was no clear consensus when stakeholders, parents and members of the public were asked if they agreed with the Welsh Government’s understanding of the potential impact on public bodies in Wales, if the law is changed.

Table 8; Do you agree with the Welsh Government’s understanding of the potential impact on public bodies in Wales, if the law is changed?				
Audience	Stakeholders	Parents	Public	Average
Sample size (n = 189)	56	29	104	-
Response	%	%	%	%
Yes	29	48	35	37
No	50	45	9	35
Don’t know	21	7	57	28

3.3. a Stakeholders

Whilst agreeing that the core impacts on public bodies had been identified, the general view of stakeholders was that there had been an underestimation of the impacts. The majority of stakeholders (61%) also felt that potential impacts had been

missed. When asked what other impacts of the legislative proposal should be considered, stakeholders identified a range of issues. They felt that the proposal would increase the workload for public bodies and other voluntary agencies which are already under pressure to deliver services. They reasoned that in turn this diversion of resources may have an unintended impact on the safeguarding of vulnerable children; in particular on safeguarding teams as they may well receive an increase in referrals. This could, it was suggested, divert limited resources from managing more serious cases of child abuse. Also Social Services teams may be required to take action to support families even if the Crown Prosecution Service does not prosecute. In the longer term, if universal access to support is available and cultural change in parental attitudes is achieved, some participants were optimistic that the need for police and social services referrals will be reduced.

'It will depend if the public adhere to the legislation. If they understand that all acts of physical punishment such as smacking are against the law and refrain from doing it there may not be as much pressure on public bodies/services.'

Concerns were also expressed about the financial impact on public bodies and voluntary organisations as there may be more call on early intervention services to support parents if the proposal is enacted. They also wanted to know if extra funding would be available for the implementation of the Bill as has been the case with recent Additional Learning Needs legislation. By the same token, it was felt that the Welsh Government has not taken fully into account the time needed to provide training and to share information with all public bodies to ensure a consistent approach.

'Social Services will need financing/resourcing to support families to adapt to changes in parenting approaches.'

They felt that the legislative proposal if enacted, is likely to change the way that Social Services are perceived across many communities in Wales. In particular the role of Social Services in managing allegations against parents they argued may result in suspicion, preventing families from asking for help and support. Similarly parents may lose trust in staff from Early Years settings and schools if they feel their behaviour towards their children is being monitored and reported.

If the proposal is enacted, there will be a divergence in legislation between Wales and England. As there is a single legal jurisdiction for England and Wales, where there is such a divergence in the law between the two countries, some participants identified a need to ensure that the legal and enforcement infrastructure in Wales (the courts, judiciary, legal profession, probation service and police) is aware of the differences and able to implement the legislation effectively. They suggested that

communication with, and training for, the legal and enforcement infrastructure in Wales regarding the differences will be required.

Stakeholders were also asked to identify what further actions to support public bodies should be considered. They suggested that the Welsh Government should explain the mandatory steps expected of public bodies, in particular around making referrals, in a way that is easily understood.

'A clear consistent message is needed so everyone is giving the same information.'

'What does "only if prosecution is in the public interest" really mean?'

'Signposting processes need to be agreed and consistent. We need clarification on the referral processes.'

'What happens in the early days? Will there be over-referring because the workforce will be worried about not doing so?'

Another suggestion was for advice on the management of service budgets and resource implications, for example ensuring an appropriately trained workforce is in place to meet any increased workload.

'What about the influx of complaints and reports of abuse? Will there be the capacity to investigate effectively?'

Specific ideas relating to work force development included providing training for:

- Staff from the Children and Family Court Advisory and Support Service (CAFCASS)
- The judiciary and legal profession
- Child Protection Boards and councillors who have oversight and responsibility for child protection e.g. cabinet members and children's scrutiny committee members
- Organisations and services that work with parents and children on alternatives to physical punishment
- All staff of public bodies to raise awareness of children's rights
- Opticians and dentists about relating to children with additional needs
- Health visitors to enable information to be disseminated to all families and for them to have an enhanced role in supporting parents with regards to discipline.

Other suggestions were to ensure that training for parents is available which does not appear to criticise parenting styles, and is delivered locally in a friendly environment. Also to ensure legal support is accessible for parents when required and where

possible to involve children and young people in the implementation phase to help achieve culture change across generations.

3.3. b Parents and Members of the Public

Parents and members of the public also felt that possibly the impacts had been underestimated. They generally found it more difficult to identify other potential impacts. Examples of comments included:

'Increased referrals and prosecution rates will result in more work for these services.'

'It may add extra pressure on social services and police who are already under pressure.'

'I have concerns about the lack of adequate of supervision of vulnerable families and children at risk.'

'We believe it will have a greater impact on services and put more pressure on workers, causing a need for more resources and funding.'

Consultation Question 4; Additional Support

Many participants (85%) agreed that, if the legislative proposal is enacted, the Welsh Government should put in place additional support for parents, carers and guardians.

Audience	Stakeholders	Parents	Public	Average
Sample size (n = 214)	55	55	104	-
Response	%	%	%	%
Yes	80	98	78	85
No	4	0	10	5
Don't know	16	2	12	10

Suggestions given for additional support for parents fell under two main areas:

- Support and training
- Information, advice and guidance

3.4. a Support and training

Stakeholders, parents, young people and members of the public all described how parents who currently experience difficulties have limited access to face-to-face support and parenting programmes. This was perceived to be due to the 'postcode lottery' of geographically-targeted programmes such as Flying Start, whereby services are only available in disadvantaged areas and also to the loss of parenting services following the phasing-out of Communities First in Wales.

'Certain areas are able to provide education for parents but others not. The class divide is increasing because of funding difficulties.'

'Parents shouldn't have to hunt for help and support.'

'Should have a drop-in service for all parents not just in Flying Start areas.'

A common request was to ensure support is joined-up and accessible to as many parents as possible. It was felt that a cultural change is needed and that providing universal access to a 'continuum of support' would help combat perceived stigma about attending parenting groups and accessing support. It was suggested that the number of evidence-based, open access parenting programmes should be increased. Flexible and tailored, such programmes should focus on positive parenting approaches to discipline that can be used as alternatives to physical punishment. This should include providing prenatal support for new parents. A few participants

suggested increasing the range of nurturing, relational programmes and similar interventions that focus on the quality of parents' relationships with their children. Others felt that training on how to manage challenging behaviour, including for parents of very young children, should be a priority. The role of Family Centres in providing high quality community services to families was endorsed by some participants as a positive model. Sustainable financial resources were also identified as a prerequisite for such programmes to be delivered in a positive, supportive environment. Examples of feedback included:

'Training is crucial especially in the context of recent research into adverse childhood experiences. Parents may have had experiences of physical punishment whilst growing up and are not aware of other methods.'

'If parents struggle to discipline their child without physical punishment, support like parenting classes should be available or other support to look into the causes of the child's behaviour.'

'Parenting support will need to increase for 'normal' families that haven't been referred to Social Services.'

'Parenting courses but not during working hours.'

'The name 'parenting classes' can put people off, we need parenting ideas and not rigid rules.'

Parents of children with additional learning needs felt strongly that that they required targeted support to help them to work with their children to understand that physical restraint is not the same as physical punishment. They also identified a need to develop a better understanding for professionals of the impact the new legislation may have with respect to parents of children with a disability.

'Additional training about how parents with children with disabilities need to use physical methods to restrain or hold their child.'

'More respite for children with disabilities to give parents time-out from stressful situations. Provide intensive support for such parents.'

Another suggestion was to consider offering support for grandparents/other older relatives as they may be the main care givers while parents are at work; given historical attitudes to physical punishment it was felt they may need more support.

'For my generation I think there would be a mix of people who still think it is ok to smack a child and those who don't. Education would be needed to support those who have used physical punishment.'

Concerns were also expressed that, should the proposal be enacted, people may be more reluctant to engage with public services, in particular families from vulnerable communities that are mistrustful of authority.

'We agree that there is a need for more support for families but will parents be open to the idea of accepting support or feel that they need it?'

'Messages about the campaign needs to be widespread not just for 'at risk' families or when help is requested. Such families may not ask for help with this legislation.'

A few participants questioned the role of the government in terms of commissioning programmes for parents, for example:

'What gives the government the right to provide training? It is propaganda with no scientific background.'

3.4. b Information, advice and guidance

The majority of stakeholders, parents and members of the public felt that all public bodies such as Local Authority Family Information Services and other voluntary organisations working with families need to give a consistent message about the proposed legislative change. There were also requests to use 'simplistic' language to meet the needs of all practitioners and families. To supplement such guidance, it was also suggested that a high profile public awareness raising and education campaign linked to 'Parenting. Give it time', is needed to:

- provide greater clarity about the rationale for the proposed legislative changes and encourage more public discussion
- increase awareness of positive parenting approaches
- signpost services and direct families to appropriate sources of support.

'The 'Parenting. Give it time.' campaign needs to be promoted far more widely as our group have not seen the materials. This is important, it needs to reach people!'

'Parents need information and support. We need to avoid 'professional' parenting.'

Participants reported that the aim should be to inform parents of the proposed legislative change whilst ensuring that they seek support if required rather than create anxiety about social services referrals and potential prosecution. This should include providing prenatal information for new parents and be supplemented with investment in early intervention services and programmes.

The Easy Read guide (A community version) was used to provide background information about the legislative proposal in the Table Talk and parent focus group

sessions. Most participants found this to be a very helpful source of information; however it was considered by some participants to be too superficial. Concerns were also expressed as to whether those families that are the hardest to reach know about and understand the proposed legislative change and its potential consequences.

'Parents need guidance but once again those who need this would not seek or listen to said guidance.'

'A lot of people use physical punishment as a default so they need to know about alternatives and be made aware of changes in law.'

'Once society accepts it is wrong to hit children then it will make it easier for parents to resist using physical punishment.'

In particular, participants stressed the importance of engaging parents in a meaningful way to develop their understanding of the proposed change, in order to manage their concerns. Specific suggestions for raising awareness included:

- Make greater use of social media to promote the legislative change
- Advertisements on television, radio and online to show parents alternative, successful non-physical ways to discipline their children
- A poster campaign plus plain language leaflets distributed to all homes and schools to support those from all cultures and ethnic groups
- Regular news articles to show how the removal of the defence of reasonable punishment is being enforced
- A dedicated advice and helpline for parents
- Awareness raising meetings for parents and children in schools
- Other creative approaches to get the public's attention such as:
 - developing a story book to explain the consequences of using physical punishment
 - The use of signage and stickers in public places to reinforce the key message, as used in no-smoking campaigns.

'The Welsh Government should give notice of when the change comes in so that the public awareness campaign has time to instil changes in family life.'

In all cases, the appropriate resources need to be available in the language of choice, in particular in Welsh and other minority community languages.

Other suggestions included raising awareness with children and young people, for example introducing personal and social education (PSE) lessons in schools to ensure they are aware of and understand the legislative changes. Such an approach could form part of broader education on positive parenting for young people before they become parents. Similarly, as a longer term measure in line with the duties of

the Well-being of Future Generations (Wales) Act, children and young people need to discuss healthy positive relationships from an early age.

‘What about support for children and young people? They will be the parents of the future.’

‘To help support cultural change, the views of children on forms of punishment need to be sought and in turn they need to understand their rights and responsibilities.’

Young people wanted defined boundaries of acceptable forms of discipline in legislation and stressed the need to provide clear information for parents. They felt that many children may not report cases of physical punishment because they are scared of the repercussions. To encourage children to open up, they suggested that advocacy is needed; access to a trusted adult who can help them have their voice heard and get them help without involving their parents. A few also argued that safeguards should be in place to:

- monitor children’s well-being in the case of unsuccessful prosecutions
- protect parents from malicious accusations.

Stakeholders identified a similar need for services to support the emotional well-being of children and young people; in particular those who have been harmed by their parents, helping them deal with the internal conflict of protecting themselves and the consequences of reporting their parents.

Most participants (84%) agreed that the Welsh Government should provide more guidance or training to support frontline professionals such as the Police, social workers and teachers, if the legislative proposal is enacted.

Table 10; Should the Welsh Government provide more guidance or training to support frontline professionals?

Audience	Stakeholders	Parents	Public	Average
Sample size (n = 214)	55	55	104	-
Response	%	%	%	%
Yes	76	89	86	84
No	9	0	4	4
Don’t know	15	11	10	12

By a considerable degree, workforce development for staff in frontline services, including health professionals, was the most commonly identified support need to ensure the successful implementation of the proposed legislation. Participants acknowledged that developing consistent practice across all sectors is essential, with

requests for consistent national training and guidance. Feedback focused on the need for high quality professional development to raise awareness of the proposed change in legislation and its potential impacts for:

- all frontline practitioners including health professionals
- staff in other settings including those who work with families and children on a voluntary basis who also need equal access to quality training.

Participants suggested the need to:

- Audit the existing workforce to identify professional development needs in each sector.
- Tailor training to align with the needs of different settings and sectors
- Set training within the context of children's rights and the UNCRC
- Use a Train the Trainer model to cascade training and where practicable, involve parents in modelling practice and mentoring other parents from similar communities
- Supplement face-to-face professional development opportunities with online materials
- Provide regular update training.

'There is a need to provide clear advice to frontline workers but without transferring parenting responsibilities to the workforce.'

'All professionals should be given the same training, with regular updates, so no mixed messages are given to the public.'

'Increase training with regards children with additional needs as professionals are not knowledgeable about the different approaches for treating such children.'

A few participants felt however that additional professional development is not needed as safeguarding issues are already addressed regularly with frontline professionals. Limited concerns were also expressed over the content and messaging of any national training programme.

Another commonly identified support need for frontline professionals was for guidance to ensure the successful and consistent implementation of the legislative proposal across all public bodies. Nearly all participants felt that it is crucial to have unambiguous guidance prior to implementation. They felt that the Welsh Government will need to provide clear direction in terms of legal obligations and parameters to ensure a consistent approach is adopted.

Such guidance would:

- clarify the definitions of physical punishment, corporal punishment and reasonable punishment
- provide details about the timescale for implementation

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- empower practitioners to make informed decisions about when and how to take action
- set out roles, responsibilities and levels of accountability
- ensure that child protection and safeguarding remain the key priority
- enable professionals to understand how to achieve cultural change when working with parents
- identify positive approaches to support families and suggest ways to alleviate parental concerns

Sustainable funding was another commonly identified support need and seen as crucial to the successful implementation of the legislative proposal; in particular to fund programmes, maintain the existing workforce and, if required, to increase staffing levels. Participants suggested that funding is required for additional reasons including to:

- enable public services to plan strategically and prioritise training needs
- train existing staff including professionals in Health and Children's Services
- introduce and disseminate information about the new legislation

Concerns were expressed over the cost implications for public services that were perceived to be already over-stretched such as Social Services, and Children and Adolescent Mental Health services (CAMHS).

Messages to the Minister

4.1 Stakeholders

Following their group discussions at the Table Talk workshops, stakeholders were asked to summarise their key messages to the Minister regarding the legislative proposal.

4.1. a In Favour

'Children should be given the same courtesy as adults under the law. Wales should uphold the UNCRC.'

'Put children at the centre of your thinking, protecting their rights under the UNCRC.'

'Legislation is helpful, but please think it through carefully and put families at the centre of your decision.'

'There's a need for cultural change and to ensure that expectations are clear to all. We need action not just legislation.'

'Support families to develop their parenting skills.'

'Ensure that child protection and safeguarding is still central.'

'The proposed change supports cultural change; encouragement, education and guidance are needed rather than a hard-line approach to prosecuting.'

'Clear factual information that is accessible and age-inclusive will be important for the success of these proposals.'

'Please can we have more clarity and clear definitions plus support for parents?'

'It is important to get parenting information to all parents not just those covered by targeted programmes.'

'Parents should be given a voice and be trusted. Involve parents in the changes if they take place.'

'Funding for implementation - universal support and resources please!'

4.1. b Against

'The Bill lacks clarity in intention and application. We feel this law is an unnecessary waste of public time and money. It lacks a sound evidence base and is therefore really a means of imposing the Welsh Government's ideology of parenting through legal threat.'

'Consider the impact on parent's rights. Convince parents before changing the law.'

'Please don't change the current law.'

'More clarity is needed around key terminology and the potential impact of the proposed change.'

'Where is the evidence that this will have the desired effect?'

'Show the evidence that there won't be great effect on public services. Make sure that you are really ready.'

'We worry about the level of resourcing available to support this proposal.'

'We have concerns about the discipline of the child, that they may become cheekier towards the parent. Also over reports from general public that have misinterpreted a situation between a parent and child, and the repercussions this may have.'

4.2 Members of the public

After completing the questionnaire members of the public were asked if there was anything they would like to say about the proposal to remove the defence of reasonable punishment; 35 people (34%) responded. Most comments were in favour of the proposal. Examples included:

'I think corporal punishment should be outlawed without asking parents - just do it.'

'I consider the wider public feeling is that smacking is unacceptable and many other discipline/punishment techniques are equally/if not more effective.'

'Should be greater emphasis on why children misbehave rather than use physical punishment as it teaches generations that violence is the answer and it's not.'

'I think it would be to the benefit of all children. It is never ok to hit a child and if this prevents even one case of serious abuse it is worth it.'

'I had not realised that this defence was in place currently. Feel it is morally indefensible.'

'A child has a right to be unharmed in any situation. However we have a growing population of challenging children and children with special needs who require a different approach.'

'It is widely accepted that physical punishment of children is unacceptable. If a parent loses their temper and smacks a child, why would 'reasonable punishment' be a defence? It wouldn't if they lost their temper with an adult! It would be assault.'

'I think it's very important to consider the actions of parents in context of their own trauma/experiences as children. People often aren't aware of the different methods to help deal with children's behaviour when it is 'difficult'.'

'Physical punishment is wrong on all fronts. Any form of abuse cannot be justified.'

'I am aware of so many people who agree this defence should be removed but as yet are not participating in the consultation!'

Fewer comments were made against the proposal. Examples included:

'Is it realistic, democratic or evidence-based?'

'The irony is that the Bill disagrees with punitive approach to children however adopts a punitive approach towards parents.'

'It's difficult enough as a parent without constantly being told what to do. Surely judgement should come in to this. The minority of parents who punish their children in such a way would still do it whatever the law. Maybe the rights of parents need exploring not just the rights of the child. Reasonable and regular are very different.'

'Taking away the defence of reasonable punishment will increase youth-related crimes as they will not learn.'

'Taking a parent's rights away is going to increase the number of undisciplined children, a lot of children have no respect for the law/authority and this seems to be linked with the decline of effective punishments.'

'I think that a lot of care is required not to over-react to minor incidents to prevent good meaning parents being vilified for a minor or automatic infringement.'

'I am concerned that smacking a child's hand may criminalise a parent.'

'Managing behaviour at home can be challenging without support and training.'

'There needs to be recognition that there is such pressure on parents and children these days and they need a helping hand. Is a slap on the hand as bad as a broken bone or causing bruises?'

'Things are going to become much more difficult in everyday life if the law changes. Children are going to feel more empowered to hit their parents and know there is nothing that can be done by the parent if this happens.'

Appendix

Appendix 1: stakeholder organisations represented at Table Talk events	
1.	Action for Children
2.	Association of Educational Psychologists (AEP)
3.	Associating Evangelical Churches of Wales
4.	All Nations Church, Cardiff
5.	Be Reasonable
6.	Bethel Community Church, Maesteg
7.	Bethel Presbyterian Church, Cardiff
8.	Bridgend County Borough Council
9.	Brynteg Village Church
10.	Cardiff Council
11.	Cardiff and Vale UHB
12.	Children are Unbeatable Cymru
13.	Children in Wales
14.	Children's Commissioner For Wales
15.	Church in Wales
16.	Churches Together in Wales
17.	City and County of Swansea
18.	Conwy County Borough Council
19.	Clybiau Plant Cymru Kids' Clubs
20.	Estyn
21.	Ethnic Minorities and Youth Support Team (EYST) Swansea
22.	Family Education Trust
23.	Flintshire Flying Start
24.	Flying Start, Cardiff
25.	Governors Wales
26.	GwE, the School Effectiveness and Improvement Service for North Wales
27.	Heath Evangelical Church, Cardiff
28.	HM Prison and Probation Service in Wales
29.	Home-Start, Wrexham
30.	Immanuel Presbyterian Church, Cardiff
31.	Lighthouse Baptist Church, Abergele
32.	Morgan Academy, Swansea University
33.	Mudiad Meithrin
34.	Neath Port Talbot; Education, Leisure and Lifelong Learning Service
35.	Newport City Council
36.	NSPCC Cymru
37.	PACEY Cymru
38.	The Parent Network
39.	Presbyterian Church of Wales
40.	Snap Cymru
41.	Torfaen County Borough Council
42.	United Reformed Church

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43. Wales Pre-school Providers Association
44. Wales Observatory; Human Rights of Children and Young People, Swansea University

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