

Annex A: Information released for FOI request ATISN 12692

The information has been placed in sequential order for ease of understanding. There are 21 e-mail extracts and 4 documents that contain only the information caught by your request and which can be found below. The names of junior members of staff have been exempted according to Section 40 of the FOIA as outlined in Annex B.

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<<The attachments to this email can be seen at Annex 1>>

From: Dan Bristow (WCPP)  
Sent: 02 April 2018 19:50  
To: Cornish, Karen (EPS - CYP&F)  
Cc: Canning, Sarah (EPS - Children and Families); Costa, David (Special Adviser)  
Subject: RE: reasonable punishment: possible dates for a meeting

Hi Karen,

It was good to see you last week.

I've attached the latest version of the report on outcomes and attitudes.

Best wishes,

Dan

Dan Bristow  
Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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<<The attachments to this email can be seen at Annex 1 and 2>>

From: Canning, Sarah (EPS - Children and Families)  
Sent: 05 April 2018 16:38  
To: Dan Bristow (WCPP); Cornish, Karen (EPS - CYP&F)  
Cc: Costa, David (Special Adviser) ; xxxx1 (EPS - CYP&F)  
Subject: RE: reasonable punishment: possible dates for a meeting

Dear Dan,

Thanks for sending through the latest version of the report on outcomes and attitudes. We have gone through it, and have set out below a few minor points of clarification for you to consider.

I have also attached the note we have prepared of our meeting on 28<sup>th</sup> March, please let me know if you have any comments on this, in particular on the action points.

Many thanks,

Sarah.

Points of clarification on the outcomes and attitudes report

- Page 7, second paragraph: this refers to research by Baumrind, 2010 which concludes that authoritative parenting which includes 'normative' smacking can lead to beneficial outcomes for children but only in the context of a nurturing relationship. We understand that the sample size for this research was 87 families split into different categories of parenting style, should this be clarified (i.e. is this a small sample compared to other research considered for the report). In addition, did the researchers quantify what they meant by 'normative smacking'? i.e. did they quantify what they considered to be normative smacking?
- Page 7, fourth paragraph: report asserts that 'there are few studies' where physical punishment has been studied by randomly assigning children to parents with varying dispositions to use physical punishment. It doesn't explicitly state what these studies are. Did you identify any as part of the review?

Sarah Canning

Cangen Deddfwriaeth a Rhianta/ Legislation and Parenting Branch  
Is-adran Plant a Theuluoedd/ Children and Families Division  
Grŵp Addysg a Gwasanaethau Cyhoeddus/ Education and Public Services  
Group  
Llywodraeth Cymru/ Welsh Government

Hapus I gyfathrebu'n Saesneg neu yn y Gymraeg/ Happy to communicate in  
Welsh or English

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From: Dan Bristow  
Sent: 13 April 2018 14:17  
To: Canning, Sarah (EPS - Children and Families) Cornish, Karen (EPS - CYP&F)  
Cc: Costa, David (Special Adviser) ; xxxx1 (EPS - CYP&F)  
Subject: RE: reasonable punishment: possible dates for a meeting

Sarah,

Thanks for this. I'm happy with your record of the conversation.

By way of an update:

- I've made some small changes to reflect your comments on the outcomes and attitudes report. I'm just checking that my co-author is

happy with these before I send them over. I'd expect to do this on Monday.

- We've submitted (today) to the Cab Sec and the Minister ahead of our meeting on 29<sup>th</sup> April.

Dan

Dan Bristow

Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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<<The attachment to this email can be seen at Annex 3>>

From: Dan Bristow (WCPP)  
Sent: 16 April 2018 10:07  
To: Canning, Sarah (EPS - Children and Families); Cornish, Karen (EPS - CYP&F)  
Cc: Costa, David (Special Adviser); xxxx1 (EPS - CYP&F)  
Subject: RE: reasonable punishment: possible dates for a meeting

Sarah,

I attach the final version of the outcomes and attitudes report.

I will start the process of preparing for publication. Can you give me an idea of your timings / process?

Thanks,

Dan

Dan Bristow

Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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From: Canning, Sarah (EPS - Children and Families)  
Sent: 17 April 2018 10:39  
To: Dan Bristow (WCPP); Cornish, Karen (EPS - CYP&F)  
Cc: xxxx1 (EPS - CYP&F); xxxx2 (EPS - CYP&F)  
Subject: RE: reasonable punishment: possible dates for a meeting

Thanks for this Dan.

The key thing for us, before you publish the outcomes and attitudes report, is that the Minister has been briefed and understands the basis for the reports. As we'll be briefing him prior to the 29<sup>th</sup>, I would imagine that

publication early May would work? We'll include that as a likely publication time in our briefing, if that works for you.

Let me know if you need any further information from us.

Best wishes, Sarah

Sarah Canning

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From: Dan Bristow (WCPP)  
Sent: 17 April 2018 11:45  
To: Canning, Sarah (EPS - Children and Families) ; Cornish, Karen (EPS - CYP&F)  
Cc: xxxx1 (EPS - CYP&F); xxxx2 (EPS - CYP&F)  
Subject: RE: reasonable punishment: possible dates for a meeting

Thanks Sarah. Early May sounds right. Who is best to liaise with on your side re comms around publication?

Dan

Dan Bristow  
Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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From: Canning, Sarah (EPS - Children and Families)  
Sent: 18 April 2018 13:51  
To: Dan Bristow (WCPP); Cornish, Karen (EPS - CYP&F)  
Cc: xxxx1 (EPS - CYP&F); xxxx2 (EPS - CYP&F); xxxx3 (OFM - Communications)  
Subject: RE: reasonable punishment: possible dates for a meeting

Hi Dan, the best person to liaise with on comms is xxxx3 (cc'd above). We won't be able to finalise anything on comms from our side until we have briefed the Minister, so we'll do that as soon as possible! Thanks, Sarah.

Sarah Canning

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From: Dan Bristow (WCPP)  
Sent: 18 April 2018 13:54  
To: Canning, Sarah (EPS - Children and Families) ; Cornish, Karen (EPS - CYP&F)  
Cc: xxxx1 (EPS - CYP&F); xxxx2 (EPS - CYP&F); xxxx3 (OFM -

Communications)

Subject: RE: reasonable punishment: possible dates for a meeting

Thanks Sarah, and understood. In any case, I don't imagine we'll be ready to talk concrete plans until after you've briefed the Minister.

Dan

Dan Bristow

Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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From: Dan Bristow (WCPP)

Sent: 23 April 2018 17:39

To: Canning, Sarah (EPS - Children and Families); Cornish, Karen (EPS - CYP&F)

Cc: xxxx1 (EPS - CYP&F); xxxx2 (EPS - CYP&F); xxxx3 (OFM – Communications)

Subject: RE: reasonable punishment: possible dates for a meeting

Sarah,

Just to update you – we had our meeting with the Minister today; this wasn't discussed but it was clear that he had been briefed. I'll be in touch with xxxx3 (and you) once we have developed plans for publication of the outcomes and attitudes report.

Dan

Dan Bristow

Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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From: Canning, Sarah (EPS - Children and Families)

Sent: 26 April 2018 16:29

To: 'Dan Bristow' (WCPP); Cornish, Karen (EPS - CYP&F)

Cc: xxxx1 (EPS - CYP&F); xxxx2 (EPS - CYP&F); xxxx3 (OFM - Communications)

Subject: RE: reasonable punishment: possible dates for a meeting

Hi Dan, sorry I haven't come back sooner, this went into junk mail at this end for some reason!

Many thanks for this. We'll be briefing the Minister formally shortly, and great if you could be in touch with us and xxxx3 when you have developed publication plans for the outcomes and attitudes report.

Best wishes, speak soon, Sarah.

Sarah Canning

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From: Canning, Sarah (EPS - Children and Families)  
Sent: 26 April 2018 10:17  
To: 'Dan Bristow' (WCPP)  
Subject: FW: reasonable punishment: possible dates for a meeting

Hi Dan, just noticed a couple of typos:

Summary page, bullet point 4 – should be “principal” I think rather than principle.

The following sentence at the end of the conclusions and policy implications section has got a word missing I think, perhaps a which or that before “coexist”?

“It is important, therefore, not to focus unduly on ‘reasonable’ physical punishment and lose sight of the range of other factors coexist to create an adverse impact on child outcomes.”

If you agree, grateful if you could send us an updated version if these are amended? Thanks, Sarah

Sarah Canning

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From: Canning, Sarah (EPS - Children and Families)  
Sent: 01 May 2018 12:49  
To: 'Dan Bristow' (WCPP)  
Cc: xxxx2 (EPS - CYP&F)  
Subject: FW: reasonable punishment: possible dates for a meeting  
Importance: High

Hi Dan,

As your e-mail to us went into our junk e-mail, I just wanted to check that the e-mail below had got to you! Would you be able to come back to confirm?

Also, we've noticed that in the references section there is the following reference:

Keating, H. (forthcoming). Legislating to prohibit parental physical punishment of children. PPIW.

As this has not yet been published, and is not about the same area of research exactly, we wouldn't have thought it was appropriate to refer to it, but is there a reason I am not aware of?

Also, is all the research referenced in the research section actually referenced in the body of the report itself, or is it just a list of the research that is generally relevant and that you may have considered as part of your review of the available research?

Thanks – I need to clarify these points before providing the Minister with his formal briefing on this, so would be grateful for a quick response if possible – sorry for not spotting previously. If you could copy your reply to xxxx2 as well, it gives us a better chance of picking up your response quickly!

Many thanks, Sarah.

Sarah Canning  
Ffôn/Tel:

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**From:** Dan Bristow (WCPP)  
**Sent:** 01 May 2018 13:02  
**To:** Canning, Sarah (EPS - Children and Families)  
**Cc:** xxxx2(EPS - CYP&F)  
**Subject:** RE: reasonable punishment: possible dates for a meeting

Hi Sarah,

I got your previous email, but haven't had time to review.

Looking at the two points you raised now (thanks for proof-reading!), happy to make both those changes.

As for the two points on references:

- we included a ref to Heather's report, noting that it was forthcoming (i.e. not yet published), because it was relevant to the points being raised in this report and it would seem strange not to note that the PPIW has done work on this.
- I'll need to come back to you on what references were included. Our standard practice is to include just work that is explicitly referenced in the text, but as I say, I can check this if you would like?

I'll send you a revised version ASAP.

Dan

Dan Bristow  
Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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**From:** Canning, Sarah (EPS - Children and Families)  
**Sent:** 01 May 2018 13:40  
**To:** 'Dan Bristow' (WCPP)  
**Cc:** xxxx2(EPS - CYP&F)  
**Subject:** RE: reasonable punishment: possible dates for a meeting

Hi Dan, thanks for this explanation.

I had only seen the reference to Keating in the references list, but see now that it is in the body of the report as well, so fully understand why you are referring to it, and of course decisions as to its relevance to this report are for you.

There isn't any need to check the references section and whether it only includes references which are referred to in the body of the report – I hadn't understood that either approach is normal for research reports, so fine with that.

Many thanks, Sarah.

Sarah Canning

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**From:** Canning, Sarah (EPS - Children and Families)  
**Sent:** 18 May 2018 18:18  
**To:** 'Dan Bristow' (WCPP)  
**Cc:** xxxx3 (OFM - Communications)  
**Subject:** PPIW report

Hi Dan, As I haven't heard anything today, I am assuming we don't have a date for publication of the first report today. That is fine, just copying in xxxx3 to keep him in the loop, speak to you next week. Thanks, Sarah.

Sarah Canning

Cangen Deddfwriaeth a Rhianta/ Legislation and Parenting Branch  
Is-adran Plant a Theuluoedd/ Children and Families Division  
Grŵp Addysg a Gwasanaethau Cyhoeddus/ Education and Public Services  
Group  
Llywodraeth Cymru/ Welsh Government

From: Canning, Sarah (EPS - Children and Families)  
Sent: 21 May 2018 11:35  
To: Dan Bristow (WCPP)  
Cc: xxxx3 (OFM - Communications)  
Subject: RE: PPIW report

Hi Dan, just checking in to see if you have any news on likely date of publication. Just occurred to me that it is half term next week so would be good to know if publication is likely to be this week. Thanks, Sarah.

Sarah Canning

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From: Dan Bristow [(WCPP)  
Sent: 23 May 2018 16:58  
To: Canning, Sarah (EPS - Children and Families)  
Cc: xxxx3 (OFM - Communications) ; xxxx4(WCPP); xxxx5 (WCPP)  
Subject: RE: PPIW report

Sarah,

Apologies for the delay in coming back to you.

I talked through publication plans with colleagues on the 18<sup>th</sup>. We're preparing things our side (i.e. thinking through messaging and how to manage the publication / press) but we're cautious about setting a publication date until we know when I'm going to disappear on xxxx leave (xxxxx), because I'm the person at the Centre who would 'front' the report and its findings.

The plan is to have everything ready and then set a date.

I've copied into this email my colleague xxxx4 (our comms and engagement lead), who will liaise with xxxx3 on timing / messaging etc.

Best wishes,

Dan

Dan Bristow  
Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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From: Canning, Sarah (EPS - Children and Families)  
Sent: 11 June 2018 15:41  
To: xxxx4 (WCPP)  
Cc: xxxx3 (OFM - Communications) ; xxxx5 (WCPP) 'Dan Bristow' (WCPP)  
Subject: RE: PPIW report - physical punishment of children

Hello xxxx4

I was just wondering if there was any news about a publication date for the PPIW research on outcomes and attitudes towards physical punishment of children? I'd be grateful if you could keep me and xxxx3 (copied) informed on this.

Diolch,

Sarah.

Sarah Canning

Cangen Deddfwriaeth a Rhianta/ Legislation and Parenting Branch  
Is-adran Plant a Theuluoedd/ Children and Families Division  
Grŵp Addysg a Gwasanaethau Cyhoeddus/ Education and Public Services  
Group  
Llywodraeth Cymru/ Welsh Government

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<<The attachment to this email can be seen at Annex 4>>

From: Dan Bristow (WCPP)  
Sent: 13 July 2018 14:00  
To: Canning, Sarah (EPS - Children and Families)  
Cc: xxxx3 (OFM - Communications) ; xxxx5 (WCPP); xxxx4 (WCPP)  
Subject: PPIW reports on physical punishment of children

Sarah,

Apologies for the radio silence.

I'm getting in touch to let you know that we're planning to publish the report on outcomes and attitudes on Wednesday next week. Xxxx4 will be in touch with xxxx3 on Monday to coordinate. I've attached a copy of the report, which reflects the amends discussed previously (a couple of typos you spotted etc).

Best wishes,

Dan

Dan Bristow  
Wales Centre for Public Policy | Canolfan Polisi Cyhoeddus Cymru

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From: xxxx3 (OFM - Communications)  
Sent: 13 July 2018 14:41  
To: Dan Bristow (WCPP); Canning, Sarah (EPS - Children and Families)  
Cc: xxxx5 (WCPP); xxxx4 (WCPP)  
Subject: RE: PPIW reports on physical punishment of children

Hi Dan,

The Assembly goes into summer recess next week and it's a fairly packed news week, so Wednesday doesn't work that well for us I'm afraid. Could we go for Thursday or Friday instead, or preferably, the week after?

Thanks,

xxxx3

Swyddog y Wasg i'r Gweinidog Plant, Pobl Hŷn a Gofal Cymdeithasol/ Press Officer to the Minister for Children, Older People & Social Care  
Llywodraeth Cymru/Welsh Government

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From: xxxx4(WCPP)  
Sent: 16 July 2018 10:01  
To: Dan Bristow (WCPP); xxxx3 (OFM - Communications); Canning, Sarah (EPS - Children and Families)  
Cc: xxxx5 (WCPP)  
Subject: RE: PPIW reports on physical punishment of children

Hi xxxx3

We're going to go for Thursday in that case. Just finalising the press release – it'll be with you after lunch.

xxxx4

Annex B: Information withheld for FOI request ATISN 12692

Information being withheld	Section number and exemption name
Personal information relating to the civil servants who sent emails from the Welsh Government to non-governmental organisations or third parties, including personal information contained within those emails.	Section 40(2) of the Freedom of Information Act. Personal data protected by the Data Protection Act 2018 (DPA). Personal data is defined in Section 1(1) of the DPA.

Section 40(2) of the Freedom of Information Act (FOIA) sets out an exemption from the right to know if the information requested is personal information of someone other than the requester and is protected by the Data Protection Act 2018 (DPA).

Personal data is defined in Section 3(2) of the DPA as:

*“Personal data” means any information relating to an identified or identifiable living individual*

We have concluded that, in this instance, the information amounts to the personal data of others than the person submitting the request.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the General Data Protection Regulations (GDPR). We consider the principle being most relevant in this instance as being the first.

### **The first GDPR principle.**

This states:

*.....that personal data shall be:*

*a) processed lawfully, fairly and in a transparent manner in relation to individuals;*

We consider that the information highlighted falls within the description of personal data as defined by the DPA and that its disclosure would breach the first data protection principle.

Guidance from the Information Commissioner’s Office (Personal information (section 40 and regulation 13) v 1.4) states:

*If disclosure would not be fair, then the information is exempt from disclosure.*

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held:

*“The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. (paragraph 63).*

In this instance, we believe the data subjects have no expectation that their personal information would be made public. These are junior members of staff, simply going about their daily business, and would have had no expectation that their personal information would be made public. Furthermore, we recognise there are differing views on, and strong feelings about, the legislative proposals to remove the defence of reasonable punishment and that there is potential that individuals could be targeted by anonymous third parties on social media platforms. It would be unfair to open individuals to online abuse or bullying for simply carrying out their normal duties

Thus, we believe release of this information would be unfair and so breach the first data protection principle. For that reason, the information is being withheld under section 40(2) of the Freedom of Information Act. This is an absolute exemption and not subject to the public interest tests.