



Llywodraeth Cymru  
Welsh Government

# Welsh Government Integrated Impact Assessment Summary

**Title of proposal:**

*Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020*

**Department:**

*Education and Public Services*

**Cabinet Secretary/Minister responsible:**

*Deputy Minister for Health and Social Services, Julie Morgan AM*

**Start Date:**

*October 2020*

**Contact e-mail address:**

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*The impact of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 was originally considered prior to the introduction of this legislation. This Integrated Impact Assessment (IIA) makes a re-assessment (October 2020) of potential impacts following the Children Wales Act gaining Royal Assent in March 2020. This updated IIA considers any potential impacts during the period of implementation activity up to commencement of Section 1 (removal of the defence of reasonable punishment) in March 2022.*

## **What action is the Welsh Government considering and why?**

In March 2020 the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (“the Children Wales Act”) received Royal Assent. When Section 1 of the Children Wales Act comes into force in March 2022 it will prohibit the physical punishment of children in Wales by abolishing the defence of reasonable punishment in law. This does not create a new criminal offence.

The aim of the Children Wales Act is to help protect children’s rights by prohibiting the physical punishment of children by parents and those acting in loco parentis within Wales, including visitors to Wales. In doing so, children in Wales would have the same legal protection from physical punishment as adults.

Following Royal Assent the Welsh Government is focusing on ensuring the Children Wales Act is implemented in a practicable and workable way. This work is being conducted with key stakeholders through a Strategic Implementation Group (SIG) and the following four work streams:

- Parenting Expert Action Group;
- Data Collection and Monitoring Task and Finish Group;
- Operations, Guidance and Training Task and Finish Group; and
- Out of court disposals and diversion scheme Task and Finish Group.

These groups will consider how to monitor the impact of the Act; whether any processes, guidance or training may need to be put in place following removal of the defence; and what additional, if any, support for parents will be required, including through a suitable diversion scheme.

The COVID-19 outbreak has had a direct impact on the work of the SIG and the four task and finish groups. The Deputy Minister for Health and Social Services agreed to pause the Implementation project for 2 months in April and May, in recognition that the response to the Coronavirus outbreak had to take priority for front line external stakeholders. This included the cancellation of all meetings for all the task and finish groups including the SIG. The communications campaign was also affected, as Welsh Government communications were focused on COVID-19 related messages.

The local lockdowns commencing in September and the national lockdown in October have caused understandable time pressures and conflicting priorities for stakeholders. We have reviewed workplans, risks and contingencies to take account of the revised timescale.

## The Welsh Government's Commitment

Removing the defence of reasonable punishment has been a long standing commitment of the Welsh Government.

The Programme for Government, *Taking Wales Forward*<sup>1</sup>, reaffirmed the Welsh Government's intention to take forward, on a cross-party basis, legislation which would remove the defence of reasonable punishment. It outlines a number of measures aimed at improving health and wellbeing for all, to ensure everyone can fulfil their potential, meet their educational aspirations and play a full part in the economy and society of Wales.

*Prosperity for All*<sup>2</sup>, builds on this, setting out the Welsh Government's vision and commitments, including removing the defence of reasonable punishment. The early years is one of five priority areas with a vision for "children from all backgrounds to have the best start in life". This aligns with the thinking around Adverse Childhood Experiences (ACEs). The importance of good parenting skills is reinforced by the evidence that ACEs can have negative and lasting effects on a child's health, education and wellbeing.

The Children Wales Act supports the adoption of positive parenting styles and contributes to several of the national wellbeing goals under the Well-being of Future Generations (Wales) Act 2015<sup>3</sup> including:

- A healthier Wales – evidence indicates positive parenting is a strong factor in promoting positive outcomes for children, benefitting their health, happiness and well-being, and laying the foundation for reaching their full potential in adult life (Robertson, 2017<sup>4</sup> O'Connor and Scott, 2007<sup>5</sup>; Katz<sup>6</sup> and Redmond, 2009; Nixon, 2012<sup>7</sup> Osher et al 2020<sup>8</sup>; Rees, 2007<sup>9</sup>; Shankoff & Garner, 2012<sup>10</sup>).

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<sup>1</sup> <https://gov.wales/sites/default/files/publications/2017-08/taking-wales-forward.pdf>

<sup>2</sup> <https://gov.wales/sites/default/files/publications/2017-10/prosperity-for-all-the-national-strategy.pdf>

<sup>3</sup> <https://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

<sup>4</sup> Robertson, L. (2017) "Literature review on outcomes of parental discipline styles, evidence on effective parenting styles and the international experience of prohibition of physical punishment in law". Glasgow: Scottish Centre for Crime and Justice Research

<sup>5</sup> O'Connor, T. and Scott, S. (2007) "Parenting and outcomes for children", York: Joseph Rowntree Foundation

<sup>6</sup> Katz, I and Redmond, G. (2009) "Family income as a protective factor for child outcomes" Social Policy Review 21, Bristol: The Policy Press

<sup>7</sup> Nixon, E. (2012) "Growing Up In Ireland – How Families Matter For Social And Emotional Outcomes Of 9-Year-Old Children", Department of Children and Youth Affairs, Ireland, ISBN 978-1-4064-2646-5

<sup>8</sup> Osher, D. et al (2020) "Drivers of human development: How relationships and context shape learning and development" Applied Developmental Science, 24:1, 6-36

<sup>9</sup> Rees, C. (2007) "Childhood attachment", British Journal of General Practice. 2007 Nov 1; 57(544): 920–922

<sup>10</sup> Shankoff, J.P. & Garner, A.S. (2012) "The lifelong effects of early childhood adversity and toxic stress", Pediatrics, 129 (2012), pp. e232-e246

- Globally responsible Wales – International human-rights and treaty bodies such as the UN Committee on the Rights of the Child<sup>11</sup>, the UN Human Rights Council<sup>12</sup> and the UN Committee on the Elimination of Discrimination Against Women<sup>13</sup>, have advocated an end to all forms of corporal punishment, arguing that it violates children’s human rights. Removing the defence of reasonable punishment is in accordance with article 19 (“*States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence...while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*”) of the UNCRC<sup>14</sup>.

## Prevention and the long term

The Welsh Government has long recognised the need to provide support to parents in Wales, including through evidence-based parenting programmes. These have mainly been provided through the Welsh Government’s Flying Start<sup>15</sup> and Families First<sup>16</sup> programmes which encourage parents to adopt a positive style of parenting. Some of these parenting programmes, such as Triple P and Incredible Years, have been independently evaluated, extensively over the last 30 years, with diverse groups of parents in many different countries. Studies have demonstrated effectiveness in achieving improved and more positive parenting approaches, reduced parental stress and conflict over child rearing, as well as improved child behaviour<sup>17</sup>.

Alongside the Children Wales Act, the Welsh Government will continue to provide information, advice and support on a range of topics related to parenting, including positive alternatives to physical punishment, and other common concerns such as potty training, tantrums and mealtimes.

The Welsh Government’s Parenting Support Guidance<sup>18</sup> encourages those delivering parenting support to tailor programmes to meet the specific needs and circumstances of parents and the goals identified by them. Parenting support should be delivered in a way that values and uses parents’ expertise and is compatible with

<sup>11</sup> <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/GBIndex.aspx>

<sup>12</sup> <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Home.aspx>

<sup>13</sup> <https://www.ohchr.org/en/hrbodies/cedaw/Pages/CEDAWIndex.aspx>

<sup>14</sup> <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>15</sup> <https://gov.wales/topics/people-and-communities/people/children-and-young-people/parenting-support-guidance/help/flyingstart/?lang=en>

<sup>16</sup> <https://gov.wales/topics/people-and-communities/people/children-and-young-people/parenting-support-guidance/help/families-first/?lang=en>

<sup>17</sup> (For a list of research articles please visit the Triple P <https://pfsc-evidence.psy.uq.edu.au/> and Incredible Years’ websites <http://www.incredibleyears.com/for-researchers/evaluation/>).

In addition, Triple P and Incredible Years have been reviewed by the Early Intervention Foundation (EIF) and included in their guidebook for early intervention programmes which have achieved positive outcomes of children. <https://guidebook.eif.org.uk/about-the-guidebook> \_ The (EIF evidence review found these programmes to have evidence of a short-term positive impact from at least one rigorous evaluation where a judgment about causality can be made.)

<sup>18</sup> <https://gov.wales/docs/dsjlg/publications/cyp/170519-parenting-in-wales-guidance-en.pdf>

their beliefs and values.

Across Wales, parents and carers have access to a range of services to support them delivered by partners in local government, health, education and the third sector. Types of support available include evidence-based, group-based structured parenting programmes; one-to-one support; informal structured group-based parenting support; and informal drop-in support.

This support is delivered at different points in a child's life (antenatal to teenage) and ranges from support for parents with low levels of need, through to more targeted, intensive support. All families have access to a range of universal services provided by midwives, Health Visitors, GPs and Family Information Services. Childcare providers and schools also have a vital role in identifying children and families who have additional needs and in supporting parents to provide a positive home learning environment.

The Welsh Government *Parenting Give it Time* campaign<sup>19</sup> provides information, advice and support for parents of children up to the age of 7. It promotes positive parenting messages through social and print media and digital advertising. A dedicated website, Facebook and Instagram pages provide parenting tips on common parenting concerns like tantrums, bed times, meal times and potty training, information and advice, and signpost parents to sources of further support. The website and a range of other resources will be expanded to provide information for parents with children aged 7-18 years by Summer 2021.

Parents and those acting with parental responsibility will need to be aware of the change in the law before it comes into force in March 2022. The 2018 PPIW report *Legislating to Prohibit Parental Physical Punishment of Children*<sup>20</sup> found that where a change in the law is not accompanied by a publicity campaign or a campaign is not sustained, knowledge of the law is less widespread.

A provision in the Children Wales Act is that Welsh Ministers have a legal duty to promote public awareness of the law change before it comes into force in March 2022. The public awareness campaign for the Children Wales Act was officially paused whilst all Welsh Government communications focused on the response to the Covid-19 crisis. The awareness raising campaign will be a targeted multi-media campaign incorporating engagement with stakeholders and specific audiences as well as a range of advertising and PR. This campaign will inform the public about the change in the law and how it may potentially impact on them.

## **Collaboration and involvement**

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill was introduced into the Assembly on 25 March 2019. Its Stage 1 scrutiny was undertaken by the Children, Young people and Education (CYPE) Committee, Finance Committee and Constitutional and Legislative Affairs (CLA) Committee

The CYPE Committee took oral and written evidence including from lobby groups for

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<sup>19</sup> <http://giveittime.gov.wales/?lang=en>

<sup>20</sup> <https://www.wcpp.org.uk/publication/legislating-to-prohibit-parental-physical-punishment-of-children/>

and against the legislation; from the Children's Commissioner for Wales; from health professionals; the Third Sector; the education sector; from the police; the CPS; and Her Majesty's Courts and Tribunals Service (HMCTS). The CYPE Committee issued a call for written evidence and received 650 on-line responses<sup>21</sup>, much higher than their usual volume of responses. In addition it undertook two engagement sessions with parents – one session where parents were invited by a lobby group supporting the legislation and one by a lobby group opposed to it.

The Welsh Government responded to the three reports published by the Committees following their scrutiny of the legislation and their recommendations have been taken into account both in how the legislation was amended but also in subsequent implementation activity.

Now that the Children Wales Act has received Royal Assent we recognise the importance of planning carefully for the implementation of the legislation when it comes into effect in March 2022., That is why we continue to engage with a range of key stakeholders who will have responsibility for implementing the legislation; those organisations who work closely with families and the public. This includes the following:

- police, Crown Prosecution Service, Disclosure and Barring Service, the Judiciary and the Ministry of Justice;
- health, social services and education;
- faith groups;
- Third Sector organisations
- parents and parent groups; and
- children and young people.

As part of the preparation for implementation, the Welsh Government has been working with the police, Crown Prosecution Service and social services to clarify police and social services processes, and how they work together to respond, to reported incidents of parental assault on a child. This work is being conducted with key stakeholders through a Strategic Implementation Group and the following four work streams:

- Parenting Expert Action Group;
- Data Collection and Monitoring Task and Finish Group;
- Operations, Guidance and Training Task and Finish Group; and
- Out of court disposals and diversion scheme Task and Finish Group.

These groups will consider how to monitor the impact of the legislation; whether any processes, guidance or training may need to be put in place following removal of the defence and what additional, if any, support for parents will be required, including through a suitable diversion scheme.

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<sup>21</sup> <http://senedd.assembly.wales/mglIssueHistoryHome.aspx?IId=24674>

## **Impacts**

Impacts on Children, Equality, Welsh Language, Justice and biodiversity are fully explored in the attached impacts assessments and can be found in Annexes A-E.

### *Impacts on Children and Young People*

The impacts on children have been detailed in the Children's Rights Impact Assessment which can be found at Annex A to this document.

### *Impacts on parents*

The impacts on parents with a protected characteristic are explored in Annex B. The potential impact on parents who become involved with the criminal justice system are considered in Annex D.

Providing information and support to parents and those acting in loco parentis – both in terms of raising awareness of the change in the law and providing advice and support on positive alternatives to physical punishment – is part of the plan for implementing the legislation.

Welsh Ministers have a legal duty to promote public awareness of the law change before it comes into force in March 2022. As set out above awareness raising activities will take place prior to the commencement of the Children Wales Act and for a period after. The aim is to ensure the general public in Wales will be aware of the change in the law and what that will mean for them. The Welsh Government will work with specific groups, communities and organisations to inform them of the change in the law and consider whether extra support advice and information may be needed.

Those parents who do continue to physically punish their children after the legislation is enacted may face criminal charges. The potential impacts on parents and individuals are set out in paragraphs 1-6 of Annex 4 of the Explanatory Memorandum. However, it is important to note that normal day to day parenting activities, and physical interventions to protect the child or others, would still be lawful after removal of the defence.

### *Impact on public bodies*

The Welsh Government have consulted and met with relevant public bodies, including the police, Crown Prosecution Service (CPS) and social services to:

- discuss their processes for handling allegations of physical punishment of children;
- to consider the impact on their resources; and
- how they could work to ensure consistent implementation across Wales, so that parents can have a reasonable expectation of how allegations will be dealt with, wherever they live in Wales.

The impacts on public bodies are set out in more detail in Chapter 8 of the regulatory

impact assessment in the Explanatory Memorandum including some of the costs and benefits.

As set out above during this implementation period the Welsh Government is continuing to work with professionals and organisations that work with children and families, and a Strategic Implementation Group (and associated task and finish groups) have been established to consider wider issues such as guidance and training and development of a suitable diversion scheme.

In addition the Children Wales Act places a duty on the Welsh Government to conduct a post implementation review and publish an interim report 3 years and a final report 5 years after the Act comes into force. As part of this review a number of monitoring and evaluation activities are planned. This includes monitoring the impact on public services, levels of awareness, and changes in attitudes. Work has commenced, through the Data Collection and Monitoring Task and Finish Group, to develop methods for collecting data across organisations to monitor the impacts of the legislation on public services and other organisations.

### **Costs and savings**

The financial implications of the Children Wales Act are set out in Part 2 of the Explanatory Memorandum the Regulatory Impact Assessment, published as part of the Bill documentation at introduction and revised following stage 2 of the scrutiny process. The Strategic Implementation Group and Out of Court Disposals and Diversion Scheme Group are also considering the costs and savings associated with setting up and running a suitable diversion scheme (where it is appropriate to divert from the formal criminal justice system individuals who commit an offence once the defence of reasonable punishment is abolished). In addition, as set out above, we will be monitoring the impact of the Children Wales Act on public services.

### **Mechanism**

The overall governance of the work to prepare for commencement of the Act is overseen by a Project Board who meet regularly. Planning for implementation of the Act is being conducted with key stakeholders through a Strategic Implementation Group and four task and finish groups which cover Advice and Support for Parents; Data Collection and Monitoring; Operations, Guidance and Training; and Out of Court Disposals and Diversion Scheme.

These groups are considering whether any processes, guidance or training may need to be put in place following removal of the defence and what additional, if any, support for parents will be required.



## Conclusion

### 1. How have people most likely to be affected by the proposal been involved in developing it?

The people most likely to be affected by the Children Wales Act are children, parents and those acting in loco parentis. In addition the Children Wales Act will impact on public services including the police and social services.

- Prior to introduction of the legislation

A public consultation took place between 9 January and 2 April 2018<sup>22</sup>, with the intention of gaining public and stakeholder views to inform further development of the legislation and to address any concerns as the legislation developed. It was widely distributed electronically, via social media, and published on the Welsh Government website. Easy-read and young people's versions were also published.

External engagement events were held with representatives of stakeholder organisations, the general public and groups of parents and young people during the consultation period. There were 1,892 written responses to the consultation, and 274 people participated in external engagement events. An analysis of the responses was published on 6 August 2018<sup>23</sup>.

UNICEF gathered the views of 1,157 children and young people across Wales, on whether or not the law should change or stay the same; 72% of primary school pupils and 56% of secondary school pupils thought the law should change. UNICEF's high level response of these views is included in the final consultation report.

- During scrutiny of the legislation

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill was introduced into the Assembly on 25 March 2019. Its Stage 1 scrutiny was undertaken by the Children, Young People and Education (CYPE) Committee, Finance Committee and Constitutional and Legislative Affairs (CLA) Committee

The CYPE Committee took oral and written evidence including from lobby groups for and against the legislation; from the Children's Commissioner for Wales; from health professionals; the Third Sector; the education sector; from the police; the CPS; and HMCTS. The CYPE Committee issued a call for written evidence and received 650 on-line responses<sup>24</sup>, much higher than their usual volume of responses. In addition it undertook two engagement sessions with parents – one organised by a lobby group supporting the legislation and one by a lobby group opposed to it.

The Welsh Government responded to the three reports published by the Committees

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<sup>22</sup> <https://beta.gov.wales/sites/default/files/consultations/2018-02/180109-legislation-consultation-en.pdf>

<sup>23</sup> <https://beta.gov.wales/legislative-proposal-remove-defence-reasonable-punishment>

<sup>24</sup> <http://senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=24674>

following their scrutiny of the legislation and their recommendations have been taken into account both in how the legislation was amended but also in subsequent implementation activity

- After Royal Assent

The Welsh Government has engaged with a large number of organisations including the police and social services and other public services to seek views, advice and their expertise through various workshops, and meetings. This includes engagement through the Strategic Implementation Group and associated task and finish groups, as set out above.

## **2. What are the most significant impacts, positive and negative?**

### *Positive*

The main purpose of the Children Act is to help protect children's rights in relation to the duty set out in the United Nations Convention on the Rights of the Child (UNCRC) article 19. In doing so, children in Wales will be offered the same legal protection from physical punishment as adults. When it commences in March 2022 the Children Wales Act will prohibit the physical punishment of children by parents and those acting in loco parentis within Wales, including visitors to Wales.

The Children's Rights Impact Assessment (CRIA), at Annex A, considers the intended positive impacts on children and young people, together with possible negative impacts and mitigations of those impacts. The intended positive impacts include bringing about a further reduction in the use and tolerance of the physical punishment of children.

### *Negative*

Negative impacts include that when the law changes, if parents or those acting in loco parentis continue physically punishing their children this may lead to a parent being approached by the police, with a range of possible outcomes including the parent being arrested or receiving a criminal record. The arrest, cautioning or conviction of a parent may have negative impacts on the child, as outlined in the CRIA. An incident of physical punishment reported to the police may have potential implications in terms of disclosure on certain Disclosure and Barring Service (DBS) checks, which may impact on an individual's employment prospects. This is explored further in Annex 5 of the Explanatory Memorandum.

There is the potential for an increase in referrals to social services and the police when the Children Wales Act comes into force, at least in the short term. There are two task and finish groups flowing from the Strategic Implementation Group that are considering how best to monitor the impact of the Children Wales Act on public bodies and what changes to processes may be required following commencement in March 2022. Through the Data Collection and Monitoring Task and Finish Group we are working with the police, social services, Crown Prosecution Service and the courts to agree the collection of relevant data for a period prior to implementation in order to establish baselines. Data collection will continue following commencement in order to monitor the impact of the Act. Through the Operations Guidance and

Training task and finish group we are working with key stakeholders to consider the extent to which current processes, training or guidance may need to be revised, and how to raise awareness among professionals who will be involved in the implementation of the law change. As we are not creating a new offence we expect existing guidance, across public bodies, to be updated, rather than produced from scratch.

There is no international evidence to suggest either the police or social services will be overwhelmed when the defence of reasonable punishment is removed when the Children Wales Act comes into force. The police, CPS and social services have also confirmed this in their evidence to Committee.

The Children's Commissioner for Scotland, met with police, social workers, and parenting organisations in New Zealand in August 2019. They were unanimous in their positivity about the change in the law there. Social workers welcome the clarity the law has provided, and the police said it hadn't led to increased prosecution - rather it had provided clarity for officers and allowed for supportive interventions. These frontline workers in New Zealand cited the progressive change in public attitudes over the last decade, which is backed up by the Government's surveys of the population.

During the implementation phase, prior to commencement of the Children Wales Act, the Welsh Government is working with key individuals through the Parenting Expert Action group to enhance existing parenting support provision for parents. This includes expansion of the Parenting Give it Time campaign so that it covers the age range 0-18, rather than 0-7 as is currently the case. In addition parents in Wales have access to a helpline run by Family Lives which provides emotional support, information, advice and guidance on any aspect of parenting and family life. The Welsh Government has provided funding to Family Lives to employ a Welsh speaking calltaker until the end of March 2021. The additional support is being trialled for a limited period to allow for an evaluation of effectiveness.

The Children Wales Act places a duty on Welsh Ministers to promote public awareness of the law change before it comes into force in March 2022. As set out above a public awareness campaign will start prior to commencement to ensure professionals and the public are aware of the law change.

### **3. In light of the impacts identified, how will the proposal:**

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**

The Children Wales Act supports the adoption of positive parenting styles and would contribute to several of the national wellbeing goals under the Well-being of Future Generations (Wales) Act 2015 including: *healthier Wales* and *Globally responsible Wales* as set out in Section 1 of this document.

Impacts and mitigations to the proposed legislation are set out in detail in the Explanatory Memorandum. The following summarises the mitigations to those impacts:

- The Welsh Government will mitigate some of the negative impacts by providing information, advice and support to parents and raising awareness of the legislative change before it comes into force, which is part of the plan for implementing the legislation.
- The effect of the Children Wales Act will be measured in a number of ways, including through research and evaluation as well as developing routine data collection with stakeholders. To monitor and evaluate the effectiveness of the legislation we will use representative surveys to track public awareness of the change in legislation, changes in attitude towards physical punishment of children and prevalence of parents reporting they use physical punishment.
- An Implementation Group and four task and finish groups have been established to ensure any changes to processes which may be required following commencement will take account of existing procedures.
- The Welsh Government recognises the importance of considering the financial and resource implications of the Children Wales Act in a post implementation review. We are working with the police, social services, CPS and the courts to agree the collection of relevant data; and in the case of the police and social services, collecting data for a period prior to implementation in order to establish baselines. Data collection will continue following commencement in order to monitor the impact of the Children Wales Act. Data collection will, wherever possible, be aligned with existing activity or other relevant work.
- The Welsh Government will continue to work with the police, Crown Prosecution Service and social services to consider the impact on their resources and processes.
- As set out above we will work with relevant stakeholders to consider the extent to which current processes, guidance and/or training for professionals may need to be revised, and how to raise awareness among professionals who work with children and families.
- There is the potential for an increase in referrals to social services and the police when the legislation comes into force, at least in the short term. It is intended that the awareness raising campaign will drive a change in behaviour where Wales becomes a society in which the physical punishment of children is unacceptable and therefore, the number of referrals to public services is reduced.
- The potential adverse effect on the child of a parent receiving a criminal conviction may be mitigated through the use of early intervention pathways or out of court disposals. We are working with key stakeholders through our Out of Court disposals and Diversion Scheme Task and Finish Group to put in place suitable arrangements to divert individuals from the formal criminal justice system, where this is in the best interests of the child.

- When Section 1 of the Children Wales Act commences in March 2022, the ambiguities and confusion around what level of physical punishment is considered reasonable would be resolved for all parents. Removing the defence will provide a clearer and more consistent basis for professionals providing information, advice and support to parents to adopt positive forms of discipline.

The Welsh Government has considered the positive and negative impacts of the Children Wales Act, and the processes that can be put in place to mitigate the negative impacts. On balance, our view is that our approach to implementing the Children Wales Act supports our legitimate aim to help protect children's rights.

#### **4. How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?**

The Children Wales Act places a duty on the Welsh Government to conduct a post implementation review and publish an interim report 3 years and a final report 5 years after the Act comes into force. As part of the implementation activity for the Act the following monitoring and evaluation activities are being planned and worked on:

- *Impact on public services:* Work has commenced, through the Data Collection and Monitoring Task and Finish Group, to develop methods for collecting data across organisations to monitor the impacts of the legislation on public services and other organisations.
- *Public attitudes and awareness:* The Welsh Government will use representative surveys to track public awareness of the change in legislation and changes in attitude towards physical punishment of children. These surveys will enable the monitoring of the trends on public awareness and opinion towards physical punishment of children, compared to the public attitudes to physical punishment baseline survey 2018. It is expected that this work will be undertaken annually and include data from range of population groups.
- *Stakeholder views and experiences:* It will also be important to understand how the change in law is being experienced by a range of stakeholders such as parents and practitioners through qualitative research. This will help support and inform implementation work as well as providing important context for interpreting the monitoring figures.

It is anticipated that the post implementation review reports will bring together the data gathered through the three strands above as well as considering the broader implications of the change in law.

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

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