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What is happening?

In January 2020 the Senedd passed the Welsh Government's Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 ("the Act"). The overarching aim is to help protect children's rights and give all children in Wales the best start in life. The Act received Royal Assent on 20 March 2020 and there now follows a comprehensive multi-media stakeholder and public awareness campaign before the Act comes into force on **21 March 2022**. Once the law commences Wales will join over 55 nations across the globe who have already outlawed physical punishment towards a child.



**Diogelu Gwent
Gwent Safeguarding**

Ending Physical Punishment in Wales

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How is the law changing?

The change in law does not create a new offence, rather it removes a 160-year-old legal defence – the defence of reasonable punishment – so that it cannot be used by anybody charged with common assault against a child. Over the years legislation has limited the circumstances where the defence could be used and limited the settings where children can be physically punished. Physical punishment has long been outlawed in schools, children's homes, local authority foster care homes and childcare settings. The new legislation means it will also be outlawed in unregulated settings, such as the home, for the first time.

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What support is available to children and parents?

The Act is a part of a much wider package of support for children and their parents. This includes the *Parenting. Give it time* campaign which offers ideas to encourage good behaviour and alternatives to physical punishment. Targeted support through programmes such as Flying Start and Families First also offer parenting support and advice alongside universal services provided by, for example, midwives, health visitors, GPs and Family Information Services.

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What is physical punishment?

Physical punishment is when you use physical force to punish a child. While smacking is what usually comes to mind, physical punishment can take many forms including, hitting, slapping and shaking. Attitudes towards physical punishment have changed with fewer parents and guardians of young children in Wales now supportive of physical punishment. What was seen as ok 30 years ago is less so now. The United Nations Convention on the Rights of the Child (UNCRC) is the basis for the Welsh Government's policy on children. Prohibiting the physical punishment of children is in accordance with article 19 of the UNCRC – the right to protection from all forms of violence.

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What next?

During this intervening period before the Act commences the Welsh Government is working with key stakeholders to ensure the Act will be implemented in the best way possible. Work is taking place through three task and finish groups overseen by a Strategic Implementation Group. These groups will consider how to monitor the impact of the Act; processes, guidance or training which may need to put in place following the removal of the defence and what additional, if any, support for parents will be required, including through a suitable diversion scheme. In addition, an Expert Stakeholder Group will oversee the communications work.

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What the law will not do

It will not create a new offence, it simply removes the defence of reasonable punishment to the existing common law offence of common assault.

It will not stop parents disciplining their children - there is a big difference between discipline and physical punishment. Parents can use alternatives to physical punishment as a means of maintaining discipline and addressing poor behaviour.

It will not interfere with a parent's ability to parent- parents can of course physically intervene to keep a child safe from harm or help with day-to-day activities such as dressing or hygiene or cleanliness.

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What the law will do

It will remove the defence of reasonable punishment. This means nobody will be allowed to physically punish children.

It will give children in Wales the same legal protection from assault as adults.

It will remove a legal loophole, meaning the defence of reasonable punishment can no longer be used in unregulated settings such as the home, and some places of learning, worship, play or leisure.

It will bring clarity, making it easier for children, parents, professionals and the public to understand the law.

