

# Legislative Proposal to Remove the Defence of Reasonable Punishment

## Questionnaire response form

Name and/or Organisation:

Address:

Date:

Postcode:

### Publication of responses

Responses to consultations may be made public – on the internet or in a report. Normally the name and address (or part of the address) of its author will be published along with the response, as this helps to show the consultation exercise was carried out properly.

If you would prefer your name and address not be published, please tick here

**Q1. Do you think our legislative proposal to remove the defence of reasonable punishment and prevent the use of corporal punishment will help achieve our stated aim of protecting children's rights?**

Yes  No

Don't know

If no, why not?

**Q2. In addition to our existing parenting support and information campaign are there any other support mechanisms you think we should put in place to support parents, carers and guardians?**

Yes  No

Don't know

If yes, what are they?

**Q3. What types of actions/behaviours would you consider to be "corporal punishment"?**

It is not necessary or possible to give a full list of actions that constitute corporal punishment. It suffices to say that any action intended to cause physical pain for the purpose of changing a child's behaviour or punishing them for it is properly described as corporal.

We would also stress that any legal definition of corporal punishment should not be contingent on where this punishment takes place or who carries it out. The consultation paper rightly points out that some settings, including Sunday schools and madrassas, are not covered by the ban on mainstream schools using corporal punishment, and have therefore been able to rely on the defence of reasonable punishment in loco parentis. This is clearly not an acceptable situation and we welcome the Welsh Government's commitment to addressing it.

**Q4. Do you agree with our understanding of potential impacts on public bodies in Wales arising from the legislative proposal?**

- Yes  No  
 Don't know

If not, why not?

**Q5. Is there additional guidance or training required to support frontline professionals?**

- Yes  No  
 Don't know

If yes please provide further details

**Q6. Please explain how you believe the proposed policy could be formulated or changed so as to have:**

- I. **Positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language; and**
- II. **No adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

**Q7. We have asked a number of specific questions. If you have any issues related to this consultation which we have not specifically addressed, please use this space to report them.**

The Welsh Government's assessment of the evidence on physical punishment is thorough and we agree with its conclusions. We particularly commend the evidence-based approach that has been taken, and recall to this end the words of humanist philosopher Bertrand Russell in his 1931 essay *On Corporal Punishment*: 'As men become more scientific, such barbaric practices will be no longer tolerated.'

The available research makes clear that there is significant risk associated with the use of physical punishment, which has been shown to increase the odds of mental health problems both during childhood and in later life, and to lead to a range of negative behavioural outcomes including high aggression, lower cognitive ability, and lower self-esteem. Significantly, the evidence is also clear that alternative, non-physical forms of discipline can lead to desired outcomes for both children and parents. We note that, given its risks, even if physical punishment was shown to be effective, it would have to be shown to be markedly more effective than non-physical forms of discipline for it to be permissible. Given that there is no evidence that alternative forms of discipline are any less effective than physical punishment, therefore, the presumption should be firmly against approaches that definitely cause pain in the short term, and are likely to lead to greater harm in the long term.

This presumption in favour of non-violence is not, of course, confined to the discipline of children. It is the hallmark of a peaceful and rights-respecting society. As Russell also noted in *On Corporal Punishment*, 'On the whole, every advance in civilisation goes with a mitigation in the severity of punishments and a diminution of physical chastisement.'

Finally, we want to emphasise the point made briefly in the consultation document that rights to freedom of religion are not 'absolute rights'. No doubt the removal of the defence of reasonable chastisement will be met with opposition from a loud minority of religious groups and parents (as has been the experience in other countries). We urge the Welsh Government to be resilient to this and to remind the public at all appropriate opportunities that Article 9 of the European Convention on Human Rights does not simply enshrine the right to freedom of religion, it also makes clear that this freedom is subject to such limitations necessary 'for the protection of public order, health or morals, or for the protection of the rights and freedoms of others'. On this matter, limitations evidently are necessary, and we commend the Welsh Government for taking this action.