

Consultation on the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

Tystiolaeth i'r Pwyllgor Plant, Pobl Ifanc ac Addysg ar gyfer craffu Cyfnod 1 (Saesneg yn unig)	Evidence submitted to the Children, Young People and Education Committee for Stage 1 scrutiny
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Organisation: Betsi Cadwaladr University Health Board

1 The Bill's general principles

1.1 Do you support the principles of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill?

Yes

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1000 words)

BCUHB is committed to upholding children's rights under the United Nations Convention on the Rights of the Child (UNCRC) and safeguarding children. The main aim of the Bill is to help protect children's rights by prohibiting the physical punishment of children by parents and those acting in loco parentis. It is clear that the Bill will remove the common law defence of reasonable punishment so it is no longer available in Wales, to parents or those acting in loco parentis as a defence to assault or battery, against a child. From a health perspective, this gives greater clarity regarding legality when providing a safeguarding service to children and families. This can only enhance the protection of children.

This Bill gives greater clarity and links clearly to the changes made in Section 58 of the Children Act 2004 although the UK Government review in 2007 suggested the reasonable punishment defence it appeared to have minimal use / reference in cases that have reached the stage or referral to the CPS or prosecution in court. Of those that were reviewed there appeared to be a lack of understanding/inconsistent use of the Charging Standard. This Bill will ensure consistency in the amendment of the Charging Standard to make it clear the defence no longer applies in Wales. Again, this will ensure fairness and a standardised process to all children who are subjected to abuse and in doing so with a human rights approach.

BCUHB agrees with the principles regarding disciplining of children and what is acceptable or not. When caring for children it is important to ensure children are allowed to develop in a

household with boundaries. This enhances their child development and future transition into adulthood. The difference between keeping a child safe and perpetrating abuse on a child are stark. For some parents the transition from using physical interventions to using alternative behaviours could be a challenge. This would require health visitors/school nurses and other health professionals to contribute to early intervention/prevention learning. The Research published in 2018, highlighted that 35% of parents accessed advice and information on managing children's behaviour from health professionals. This will subsequently greatly increase and must be recognised that this will have an impact on health resources. This section could be linked to Adverse Childhood Experiences (ACEs) and parents experiencing learned behaviour from their parents.

BCUHB agree that raising awareness of the Bill is key to parents and those acting with parental responsibility before there is a change in the law. This will require a multi-agency approach and the Regional Safeguarding Children's Boards will require engagement.

On reading the section on – Impact of Public Bodies – this only mentions engagement with relevant bodies including police/social services. Health are key to this and this needs strengthening. The additional legislation will be required to be embedded into safeguarding children's training, relevant information, policies/procedures and guidelines within BCUHB. Nationally this will also need to be embedded within the National Protection Procedures.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

(we would be grateful if you could keep your answer to around 500 words)

BCUHB does agree that there is a need for legislation to deliver what this Bill is trying to achieve. It is clearly written and emphasises that this Bill would not create a new criminal offence but that the legislation would be that the physical punishment of children by parents in Wales would be prohibited. BCUHB agrees with this and it is not acceptable to "do nothing".

2 The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

No - but good to have an Implementation Group. Might be training issues for Health Boards.

2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 500 words)

Yes - training seems to have been considered within the Bill.

3 Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

There potentially might be a rise in safeguarding children's reports to Social Services and Police, which will require monitoring. This will have an effect of health resources as the safeguarding team support health professionals in the safeguarding process.

4 Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

The Bill appears to suggest there will be limited financial implications of the Bill. It discusses the provision of Flying Start and Universal Services for Health Visitors and that the current provision will be sufficient thus incurring no additional costs by WG. It must be remembered that Health Visitor and School Nursing Services are carrying considerable vacancies and thus further investment might be required to fulfil the principles of the Bill. In addition, Flying Start only provides services to those in certain postcodes so what provision will be provided to those outside Flying Start areas. Children subjected to physical punishment are living in all families not just those in the lower socio-economic groups.

5 Other considerations

5.1 Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

No.