

Press release from BeReasonable.wales
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WELSH GOVERNMENT'S PLANS TO BAN SMACKING WOULD CRIMINALISE THOUSANDS OF ORDINARY PARENTS, WARNS NEW CAMPAIGN

- Three quarters say ban would criminalise parents, finds poll
- Nearly eight in ten concerned police and social workers will be overwhelmed
- Eight in ten say parents should decide on smacking, not the State
- Seven in ten say it is sometimes necessary to smack a naughty child
- Young mum rejects 'unwanted State intrusion'
- Academic attacks 'professionalisation' of parenting
- Experienced children's solicitor warns that criminalising parental care 'cannot be justified'

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Plans by the Welsh Government to ban smacking would be an unprecedented power grab by the nanny state that would criminalise thousands of ordinary parents, a new campaign has warned.

Be Reasonable, a non-partisan grassroots organisation, will launch a petition at www.bereasonable.wales opposing proposals to drop the defence of reasonable chastisement – which would leave parents facing fines or jail.

Today it is publishing polling that shows proposals from the Welsh Government are not supported by parents or the wider public, who think such a move will overwhelm police and social workers, resulting in genuinely vulnerable children being put in danger.

The campaign warns that the Welsh Government proposals risk painting thousands of ordinary parents as no better than violent thugs and child abusers, merely for disciplining their children. The petition states: "I oppose the Welsh Government's plan to criminalise parents who smack their children." It can be signed at bereasonable.wales by residents of Wales aged 16 and over.

Lowri Turner, a spokesmum for the Be Reasonable campaign, says: "The people calling for this change are using hysterical and manipulative language. They're trying to make out that a gentle smack on the back of the legs from a loving mum is the same as beating up your kids. Does anyone seriously think that that sort of abuse is not already illegal?"

"If the Government can't tell the difference then they shouldn't be passing laws about it."

"Our campaign's research shows that 85 per cent of Welsh adults were smacked as children and nearly 70 per cent agree that it's sometimes necessary to smack a naughty child."

"Campaigners for a ban know that the public is against them and these new findings confirm that – the move is widely seen as an unwanted intrusion by the State."

The ComRes poll of more than 1,000 Welsh adults found three quarters of those questioned thought the ban would not help protect vulnerable children.

Asked to consider the statement, 'A ban on smacking would likely criminalise reasonable parents while doing little to stop bad parents from abusing children', 74 per cent agreed, with just one in eight, (12 per cent) disagreeing.

It found a similar number opposed making smacking a criminal offence. Asked whether or not parental smacking of children should be a criminal offence just one in ten (11 per cent) said it should, with three quarters (76 per cent) saying it should not.

More than seven in ten (72 per cent) agreed with the statement, I support laws against child abuse, but smacking is not child abuse.

In 2015 the then Children's Minister Leighton Andrews said removing the reasonable chastisement defence would not only criminalise smacking but also any other physical contact with a child by a parent in Wales for the purpose of administering discipline. Even the lightest touch of another person, he said, could amount to battery and gave as an example a parent who forcibly lifts their misbehaving child.

Speaking at the launch of the campaign, Dr Ashley Frawley, a sociology and social policy expert from Swansea University, will warn that removing the defence of reasonable chastisement from legislation could open the floodgates to thousands of minor incidents being reported to the police and social services – overwhelming already stretched services.

This is a view shared by the public, with nearly eight in ten (77 per cent) expressing concern a smacking ban might flood police and social workers with trivial cases, which would mean they struggle to stop genuine abuse, while just one in eight (12 per cent) disagreed.

Dr Frawley commented: "For some reason parenting is now seen as the root of all society's problems. There's already a huge amount of pressure on parents and they don't need the added fear of being separated from their children because someone in the Government happens not to like the way they bring them up.

"Parents are increasingly the target of intervention because of this misguided belief that only the so-called professionals can do the job – using a load of performance indicators. This trashes the messy, joyful, wonderful nature of family life and makes it subject to state surveillance.

"The Welsh Government needs to resist the temptation to interfere in how parents choose to raise their children. Changing the law is a gross interference in family life and it's entirely unnecessary because the law already protects children from abuse.

"Removing the common sense reasonable chastisement defence will see the floodgates opened to hundreds, maybe thousands of new complaints to the police and social services. Inevitably this will distract them from actual cases of abuse with potentially terrible consequences."

Colin Harris, who practised as a solicitor for 45 years, including almost 30 years on the Law Society children's panel, commented:

"If smacking becomes a criminal offence, what happens to the family after the child has given evidence in Court and the mother is convicted and punished? Do they just return home as if nothing has happened? Who will pick up the pieces after such trauma?"

"The relationship between a parent and their child is unique, and comes with unique responsibilities. Politicians must not create a legal fiction by treating ordinary parental discipline as if it was criminal assault."

"In 30 years of working with dysfunctional families I have seen the harm that comes from lack of love, affection and affirmation. I've also seen the harm that comes from lack of patient reprimand when children behave badly."

“Within the special context of the parent and child relationship, a parent may legitimately decide to use moderate, reasonable chastisement. The law has long respected this as part of the authority which parents have in relation to their own children. When parental authority is undermined, out of control children can grow into out-of-control adults, at great cost to them and to society.

“I practised criminal law for decades. Criminalising a smack given in love and as necessary parental discipline cannot be justified.”

Spokesmum Mrs Turner, a mother-of-one, will say: “The current law was tightened in 2004. People understand it and there doesn’t seem to be any problem with it. We already have good, strong laws protecting children from abuse.

“The Assembly has all these new powers, this is hardly the best way to use them. Do all these politicians seriously think this is the most pressing issue facing Wales today?”

“The Welsh Government is not going to improve child welfare by criminalising good parents and massively adding to the workloads of overstretched social workers and police.”

She will conclude: “The message from this poll to the Welsh Government could not be clearer – stop dreaming up new ways to penalise and criminalise parents, let them get on doing their job of bringing up the next generation.”

For further information, please contact Alistair Thompson of Media Intelligence Partners on 0797 016 2225.

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Notes to Editors:

The Be Reasonable campaign is a grassroots campaign of parents and supportive groups with a single goal:

to discourage the Welsh Government from pursuing its pledge to outlaw reasonable chastisement of children by their parents.

First Minister Carwyn Jones first announced the smacking ban in May 2016 when he set out his priorities for the first 100 days of the Welsh Government. He said, “we will take forward, on a cross-party basis, legislation that will remove the defence of reasonable chastisement”.

Welsh Assembly Record of Proceedings, 18 May 2016,
<http://www.assembly.wales/en/bushome/pages/rop.aspx?meetingid=3593&language=en&assembly=5&c=Record%20of%20Proceedings&startDt=18/05/2016&endDt=18/05/2016>

In a statement on 27 June 2017 he said there will be “consultation over the next 12 months” and a Bill introduced in the Assembly year beginning autumn 2018.

Welsh Assembly Record of Proceedings, 27 June 2017

<http://www.assembly.wales/en/bushome/pages/rop.aspx?meetingid=4300&language=en&assembly=5&startDt=12/06/2017&endDt=03/07/2017>

In June 2016 Communities and Children Secretary Carl Sergeant said: “Let’s be very clear here: this isn’t about legislation to criminalise parents. What we want to do here is give people the opportunity to have positive parenting experiences.”

Welsh Assembly Record of Proceedings, 22 June 2016,
<http://www.assembly.wales/en/bushome/pages/rop.aspx?meetingid=3611&language=en&assembly=5&c=Record%20of%20Proceedings&keyword=reasonable%20chastisement>

In January 2015 the Minister for Public Services and former Children’s Minister Leighton Andrews said: “The effect of amendments 46 to 67 is not only to criminalise smacking, but also any other touching of a child in Wales by a parent for the purpose of administering discipline. The offence of a battery is committed where a person intentionally or recklessly inflicts unlawful violence on another. Any touching of another person, however slight, may amount to a battery. For example, a parent who forcibly lifts a misbehaving child would be guilty of battery.”

Communities, Equality and Local Government Committee, 22 January 2015,
<http://www.senedd.assembly.wales/documents/s36001/22%20January%202015.pdf>

The ComRes poll tables are available here:

<http://www.bereasonable.wales/wpcontent/uploads/2017/07/Wales-Parenting-Poll-22-Feb-2017.pdf>

The poll was conducted by ComRes which interviewed 1019 Welsh adults online between 13th and 25th January 2017. Data were weighted to be demographically representative. ComRes is a member of the British Polling Council and abides by its rules.