

# BILL TO CRIMINALISE SMACKING

## HAVE YOUR SAY: RESPOND TO THE WELSH ASSEMBLY'S CONSULTATION TODAY



A Committee of AMs is scrutinising the smacking ban Bill. They want to hear your views. The Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill will remove the 'reasonable chastisement defence', which currently prevents parents from being criminalised for using mild physical discipline.

**Closing date for the consultation:  
5pm Tuesday 14<sup>th</sup> May 2019**

### Steps to help you respond

1. Click [this link](#) to open the Committee's online consultation form.
2. Use the tips overleaf to help you answer the questions.
3. You only need to answer the questions listed overleaf.
4. Visit our website [bereasonable.wales](http://bereasonable.wales) for more information.

### Practical points

1. Please use your own words.
2. Say if you are a parent, or if you work in a profession involving children.
3. Say if you are a police officer or legal professional.

# Tips on what to say

WE SUGGEST FOCUSING ON THE FOLLOWING QUESTIONS:

**Q 1.1** asks if you support the general principles of the Bill. **Answer: No.**

**Q 1.2** asks you to explain why. **Pick 2 or 3 points from below and put them in your own words.**

- The parent-child relationship is unique. Loving parents know their children best. They know that a mild smack as a form of discipline is not the same as abuse.
- Criminalising parental smacking is unreasonable state interference in family life and undermines parents. The European Court of Human Rights has upheld the legal defence of reasonable chastisement in principle.
- Politicians are out-of-step with the public. There is major opposition to criminalising smacking. Polls show that three quarters of the public oppose a smacking ban.
- There is no evidence to justify criminalising parents. A light infrequent smack in the context of a loving parent-child relationship is not harmful. The Government admitted this in its consultation document last year.
- The Government's impact assessment for the Bill estimates a cost of £3.3 million for law enforcement, and unquantifiable costs for child protection services. Requiring police and social workers to investigate parents who smack is draining money and resources away from the already difficult task of identifying abuse.

**Q 1.3** asks if there is a need for the legislation. **Answer 'no' and explain in your own words that:**

- The law already protects children from abuse.
- Any punishment that is excessive is already against the law.
- The current law does not need to be changed, it needs to be enforced.

**Q 3.1** asks if there will be unintended consequences. **Use the points below to help you answer:**

- Removing the 'reasonable chastisement defence' will mean that a parent disciplining their child with a mild smack would be classed as assault. Banning smacking will inevitably catch ordinary loving parents and turn them into criminals.
- Enforcement would disrupt families. If a parent is penalised for smacking they could lose their job or even custody of their children.
- The NHS has already said reports of smacking will be dealt with in the same way as abuse if reasonable chastisement is outlawed. Staff and patients could be labelled abusers.
- Turning smacking into abuse will bring confusion into the law against child abuse. This will be dangerous for at-risk children.