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Be Reasonable Wales

THE EFFECTS OF THE SMACKING BAN IN WALES

Myths and truths

Contents

Introduction

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act received Royal Assent in March 2020 and came into force in March 2022.

The aim of the legislation was said to be:

> ***"…to help protect children's rights by prohibiting the use of physical punishment against children, through the removal of the defence of reasonable punishment."***[1]

The change means the defence known as 'reasonable chastisement' is no longer available to parents in Wales. This defence was designed, and worked successfully for years, to protect innocent parents from being charged, prosecuted and convicted of common assault in relation to their own children in circumstances in which no harm was caused and the parent's behaviour was objectively reasonable. In short, it was to prevent injustice. Specifically, the defence protected parents from prosecution for using what generations have referred to as smacking – mild, well-intentioned disciplinary actions like a trivial tap on the back of a tot's hand or leg. It did not prevent the prosecution or conviction of those who carry out child abuse. (See discussion below of Section 58 of the Children Act 2004.) This was clearly evidenced by the convictions that took place each year in Wales, prior to the law change, for assault on a child.

The reasonable chastisement defence is required because the authorities are, rightly, quicker to take action to protect children than adults because of the degree of vulnerability. There is also the fact that some people working in child protection are ideologically opposed to smacking. Without the defence, even a mild smack on a child by a parent could lead to a prosecution in a way which would almost certainly not be the case with equivalent contact on an adult.

The defence has long been considered necessary to protect good, caring parents against prosecution for using mild, harmless physical chastisement of the kind that most people (polls suggest upwards of 80%)[2] experienced as children from parents who loved them. These are interactions for which those children would not, either at the time or in retrospect, wish to see their parents prosecuted, not least because it would see them unfairly labelled as 'child abusers'. Their lives, and those of their children, would be irrevocably damaged.

The abolition of this common-sense defence was supported by campaign groups and charities that claimed, variously, that it would reduce abuse and violence against children, lead to better parenting, and 'modernise' Wales. Many stressed the importance of following other countries that were said to have introduced prohibitions on smacking children. (Inconveniently for those campaign groups, most of those countries have not made smacking a criminal offence in the way Wales has done. In many of the countries cited, there are no legal sanctions attached at all.)[3]

Arguments were repeatedly made that even mild chastisement causes harm to children. This claim was eventually refuted by the Welsh Government itself, in an assessment of existing research:

> ***"...there is unlikely to be any research evidence which specifically shows the effects of a light and infrequent smack as being harmful to children"***[4]

Those who opposed changing the law said it wouldn't reduce physical abuse, would be costly, was a draconian response to a problem that didn't exist and would result in loving parents being criminalised. The latter point was hotly contested, with several politicians claiming that removing the parental defence in the criminal law would somehow not criminalise parents.

As part of the legislation, the Welsh Government is required to produce reviews three and five years post commencement. Despite the three-year deadline passing early this year, there is still no sign of the review.

The Be Reasonable campaign has, therefore, done its own brief review using publicly available data and freedom of information requests.

The Be Reasonable Team[5]

A brief history

Tony Blair's Government facilitated a thorough debate on the issue of reasonable chastisement in 2004 when there were backbench attempts to outlaw all parental smacking in England and Wales. The attempt was defeated. Instead, on a free vote, Section 58 was inserted into the Children Act 2004 which, in the view of the Government, brought the law into compliance with the European Convention on Human Rights by clarifying that 'reasonable' chastisement does not cover causing a child 'actual bodily harm'. The subsequent CPS charging standard stated that 'reasonable chastisement' was not a defence to a parent who caused a child anything more than a temporary reddening of the skin or anything that was not "merely transient or trifling".[6]

So parental smacking was only reasonable, and thus lawful, if the effect was trifling.

Section 58, therefore, made clear that reasonable chastisement could never be used in cases of abuse. That remains the legal position in England and Northern Ireland[7] as of 2025.

The then UK Children's Minister, Margaret Hodge MP, made a commitment to review the practical consequences of Section 58 two years after its commencement. She also made a commitment to seek the views of parents about smacking.[8]

The review was published in October 2007,[9] and concluded:

> ***"…Through the enactment of Section 58, the UK has met its international obligations by ensuring that the law gives adequate protection to all people from 'inhuman or degrading treatment or punishment' as required by Article 3 of the European Convention on Human Rights. If someone is charged with a crime which is serious enough to have caused 'inhuman or degrading treatment or punishment', then the defence of reasonable punishment is not available to them...***

> ***"…Whilst many parents say they will not smack, the majority of parents think the law should allow parents to smack their children…***

> ***"…We do not agree that the best way to get across messages to parents about methods of discipline is to remove the defence of reasonable punishment from all charges of assault."***

> ***"…The law is clear. But there appears to be a lack of understanding about precisely what the law allows and does not allow. The law does not permit anyone deliberately or recklessly to cause injury to a child which is more than transient and trifling. It is important that parents understand the law so that they can bring up their children in the most effective way they see, and not live in unreasonable fear of being subject to criminal investigation. It is important too that practitioners, particularly social workers, understand the law and are honest with parents about its effect, while giving whatever advice and recommendations they think best to help parents bring up their children effectively."***

> ***"The Government has fulfilled its commitment to review the practical consequences of section 58, and has sought parents' views on smacking. In response to the evidence submitted, the Government:***
>
> ***a) Will retain the law in its current form in the absence of evidence it is not working satisfactorily. The law allows the police and prosecutors to act in the best interests of children, and section 58 prevents the use of the defence of reasonable punishment in any proceedings for an offence of cruelty to a child or assault occasioning actual bodily harm against a child or inflicting grievous bodily harm against a child"***

A further review was carried out by the Crown Prosecution Service, which examined a small number of cases (twelve) between 2005-2007, where reasonable chastisement was either explicitly mentioned during the investigation or as a defence, or implicitly may have been a factor in the discontinuance or acquittal of the defendant.

The findings of this report led to two recommendations for remedial action:

> ***1. CPS needs to issue a policy bulletin to all CPS staff to:***
>
> - **remind prosecutors of the changes brought about by section 58 *Children Act 2004* and the revision of the revised *Charging Standard* (see note 6); and**
> - **request CPS prosecutors to inform and remind defence advocates, judges, magistrates and jurors that section 58 *Children Act 2004* does not allow the reasonable chastisement defence to be presented as a legal defence to any charge resulting from an assault upon a child unless the defendant is the victim's parent, or an adult acting in *loco parentis* and is charged with common assault; and**

> ***CPS needs to improve the file notes entered by prosecutors through regular performance management reviews. Improvement of file endorsements will present a clearer picture of the rationale behind charging decisions."***

> ***The Policy Directorate of the Crown Prosecution Service has recently issued a policy bulletin to all CPS Areas to request Crown prosecutors to note the recommendations of the report and respond where necessary.***

> ***The policy bulletin also addresses the research report's second recommendation by requesting that there should be clear notes on the case files that indicate:***
>
> 1. **that section 58 *Children Act 2004* has been considered; and**
> 2. **the *Charging Standard* was referred to."**[10]

Following these reviews, the position of subsequent Labour and Conservative governments at Westminster has remained settled and can fairly be described as opposed to a criminal ban on reasonable chastisement.

This reflects ongoing concerns that the removal of the long-standing legal defence of 'reasonable chastisement' would result in loving parents being unfairly criminalised. Indeed, as the Labour Children's Minister in the then Welsh Assembly argued in 2015 (before his Government reversed itself), removing the reasonable chastisement defence could even criminalise a parent fastening an uncooperative toddler into a pushchair. Such a law would be unenforceable. (Indeed, the subsequent Welsh Government policy of non-prosecution appears to confirm this. See below.) The ongoing opposition of Labour in Westminster also reflects the fact that existing law already protects children from abuse and is understood by both parents and the authorities.

There was further evidence to support the rationale of the governments at Westminster. A subsequent Freedom of Information request, from Be Reasonable Wales, to the Crown Prosecution Service revealed that between 2009 and the end of 2017, there were just three cases where parents cited 'reasonable chastisement' as a legal defence across both Wales and England. (All three cases were actually in England.)[11] Had the defence been unclear as campaigners insist, one would have expected much more use, and misuse, of the defence as interpretation was disputed in the courts.

The Be Reasonable campaign has attempted to obtain more data from the CPS, but changes to data reporting in 2018 appear to have made this impossible.

Subsequent to 2018, the approach to this defence has diverged in different parts of the UK.

Scotland

In 2019, the Children (Equal Protection from Assault) (Scotland) Act was passed, abolishing the defence of reasonable chastisement from 7 November 2020.

Any physical punishment of children by parents or carers, no matter how mild, is now illegal in Scotland and the authorities have encouraged people to 'call 999' if they suspect a parent of smacking.[12]

Wales

From 21 March 2022, the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 ("the 'Reasonable Punishment' Act") has been in force.

The rest of this document focuses on the impact of the law change in Wales.

Political promises versus reality

Since the 'Reasonable Punishment' Act came into effect in March 2022, parents in Wales are liable to criminal prosecution if they are suspected of smacking.

> ***"This is not about the government telling parents how to raise their children or about criminalising loving parents".***
> Julie Morgan – Former Deputy Social Services Minister[13]

Be Reasonable understands that any report of smacking automatically triggers an investigation by social services and/or the police, which could result in a charge for common assault. Of those cases investigated for reasonable chastisement, those that are liable to prosecution are instead referred to a diversion/re-education scheme. This avoids the spectacle of parents being prosecuted for trivial smacks – the very thing this campaign warned against.

But, whether or not parents are charged, information may be recorded against them on the Disclosure and Barring Service (DBS) system.

> ***"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."***
> Carl Sargeant – Former Secretary for Communities and Children[14]

The Welsh Government issued guidance for people and organisations who work with, volunteer or care for children, outside of formal education and childcare, that said anyone who witnesses a parent smacking a child should contact social services or the police.

In response to the question, "What should I do if I see a child being physically punished or if I am concerned about a child?", the guidance stated:

> ***"Contact your local social services department. You can also call the police in an emergency, or if a child is in immediate danger"*** [15]

And guidance for social workers confirms that parents who physically punish their children "could be charged with common assault" and "they may get a criminal record".[16]

The guidance directly contradicted repeated assurances made during the passage of the legislation. In a 2018 document, 'Removing the defence of "reasonable punishment"', used as part of the consultation process, the Welsh Government stated:

> ***"Will this [a change in the law] criminalise some parents? We understand this fear. But this hasn't happened in other countries that changed their law. In New Zealand, the police data shows no rise in reports or in parents being prosecuted for 'light smacking'."***[17]

The claim regarding New Zealand has been debunked by top Kiwi law firm Chen Palmer, who carried out a detailed a review in 2018.

Alongside details of parents who had indeed been charged and prosecuted, the Chen Palmer report concluded that statements from politicians that amending section 59 of the Crimes Act would not criminalise 'good parents' for lightly smacking their children were "… inconsistent with the legal effect of section 59 and the application of that section in practice".[18]

The report stated: "the amendments to section 59 have criminalised parents who smack their children, even if only lightly, for the purposes of correction".[19]

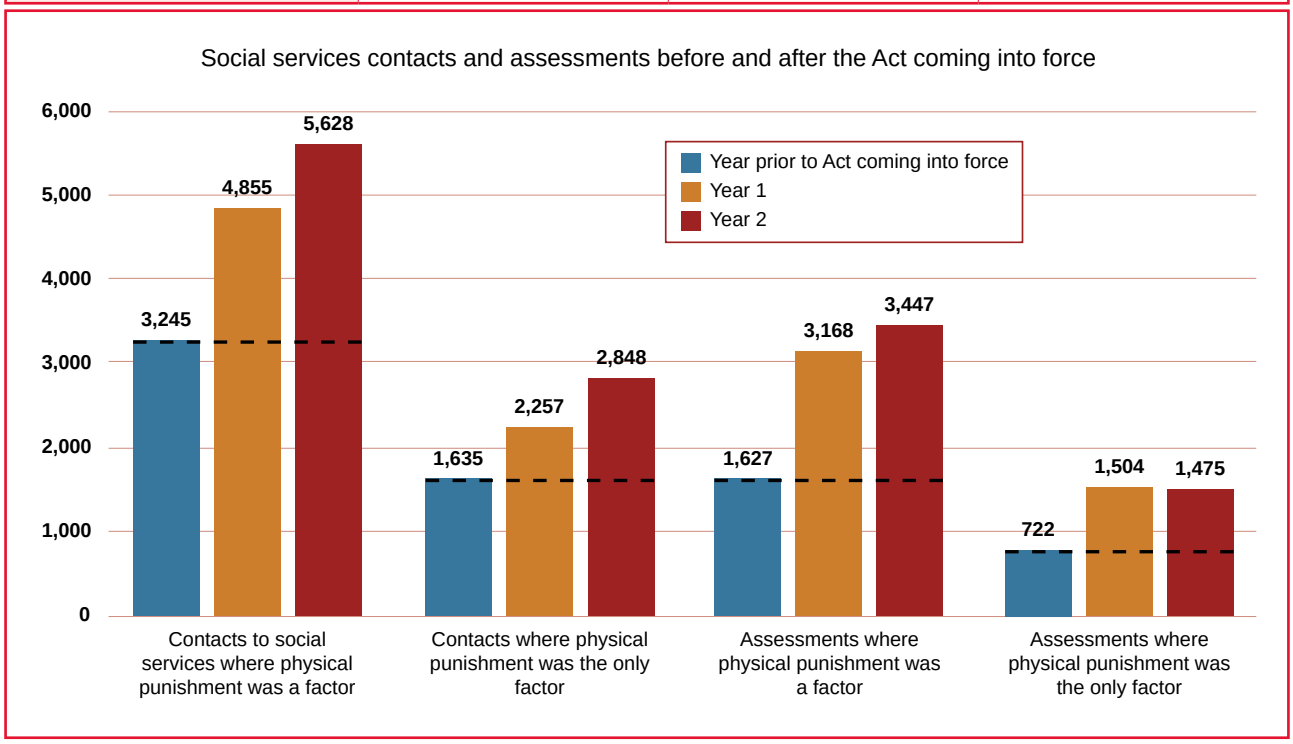
It also highlighted the negative effect on parents and their children where the courts had struggled to "explicitly balance the long term effect of the prosecution or the conviction on the parent-child relationship against the level and frequency of the physical discipline the parent is being charged with".[20]

Increasing workload on social services

Since the 'Reasonable Punishment' Act came into force, there has been a clear rise in the number of social services contacts and assessments in which physical punishment is cited as a factor. The figures below, drawn from Welsh Government statistical releases, show consistent year-on-year increases in both categories.

Table: Numbers of contacts and assessments carried out by social services in Wales where physical punishment was a factor, before and after the Act coming into force.[21]

	Year prior to Act coming into force	Year 1	Year 2
Contacts to social services where physical punishment was a factor	3,245	4,855	5,628
Contacts where physical punishment was the *only* factor	1,635	2,257	2,848
Assessments where physical punishment was a factor	1,627	3,168	3,447
Assessments where physical punishment was the *only* factor	722	1,504	1,475



These figures indicate substantial increases: a 73% rise in contacts in the first two years since implementation. Assessments of cases where physical punishment was the sole factor rose 112% above the pre-implementation baseline.

It is important to acknowledge that data collection remains problematic. However, the impact of the Act on social services workloads is clear: more families are being brought to professional attention under a legal framework that now classifies all physical punishment as unlawful.

Continued under-reporting in data collection

The Welsh Government has committed to collecting data from local authorities, police forces and the Crown Prosecution Service to measure the impact of the Act on public services.[22] However, data quality and completeness remain significant challenges.

In the year before the Act came into force, four local authorities failed to provide figures for contacts and assessments where physical punishment was a factor. In the subsequent two years, two authorities continued to submit incomplete data. These omissions mean that even the published totals are likely to represent an undercount.

There are also notable variations between local authorities, which suggest differing definitions or recording methodologies. The lack of standardisation limits the reliability of comparisons across Wales and means that the true scale of the increase is uncertain. The numbers presented above, therefore, reflect official Welsh Government returns, but should be interpreted with caution due to continuing under-reporting. A minority of local authorities have reported far lower numbers after the change than before it, possibly also reflecting changes to reporting methods.

A further data gap, first identified in the 2020 Government Impact Assessment, concerns allegations of parental physical punishment arising in the context of litigation between separated couples.[23] The Children and Family Court Advisory and Support Service (Cafcass Cymru) acknowledged awareness of this issue, but there appears to be no public record of further work taking place. This omission excludes an entire cohort of cases from official statistics.

The Covid pandemic may also have influenced the number of referrals to social services. However, the overall number of contacts to social services between 2021-22 and 2023-24 increased by a more modest 18%,[24] compared to a 73% increase in contacts where physical punishment was a factor.

Interpretative note: Cases in which physical punishment is recorded as only one of several factors should not automatically be dismissed. A contact made on the basis of ‘smacking’ may be accompanied by comments that the parent also spoke harshly towards the child, or that the child had been involved in truancy, or that there was deprivation involved. These factors may be untrue, irrelevant to the matter under investigation, represent perfectly reasonable and legal behaviour, or be beyond the control of the parent. For that reason, the numerical increases in both categories (‘physical punishment only’ and ‘physical punishment among multiple factors’) are both significant in understanding workload trends.

Making sense of the numbers[25]

In the year before the Act came into force, social services recorded **3,245 contacts** where physical punishment of children was a factor. In approximately half of these (1,635 cases) it was the only factor.

These contacts led to **1,627 assessments**, nearly half of which (722) concerned physical punishment alone.

In the first year after implementation (2022-23), there were **4,855 contacts**, **an increase of 50%**. Just under half (2,257) involved physical punishment as the only factor. This translated into 3,168 assessments, **an increase of 95%** on the pre-implementation year, with 1,504 of those citing physical punishment alone.

In the second year (2023–24), contacts rose again to **5,628**, a 16% increase and **73% higher than before the law change**. Of these, 2,848 involved physical punishment as the only factor. Assessments totalled **3,447**, up 9% on the previous year and **112% above the pre-implementation baseline**; 1,475 assessments listed physical punishment as the sole factor.

Even allowing for under-reporting and local variation in recording, these figures appear to demonstrate a clear upward trajectory. Some of the cases recorded prior to the ban would already have related to unlawful behaviour. Nevertheless, many new contacts would likely involve incidents that, before 2022, would not have triggered social services involvement.

This escalation has direct implications for workloads. Social workers have a statutory duty to investigate all referrals alleging physical punishment, regardless of severity. As a result, time and resources that might previously have been focused on cases of evident abuse or neglect must now also be devoted to incidents involving any form of physical chastisement.

Be Reasonable Wales warned during the legislative process that removing the defence of reasonable punishment risked significantly expanding the number of families drawn into statutory investigation for low-level incidents. The data now emerging suggests that this concern was justified.

In order to fulfil their duty of protecting children from harm, it is vital that social services are able to prioritise cases where there is a genuine risk of abuse or neglect. Forcing them to act in situations where there is no risk of harm is a dangerous distraction. Over-extension of limited capacity carries the potential unintended consequence of making it harder to identify and intervene in the most serious situations.

Criminalising parents

The Welsh Government repeatedly stated during the passage of the 2020 Act that the law was designed to protect children's rights rather than criminalise parents.

> ***[The law] will not criminalise parents."***
> Carwyn Jones - Former First Minister of Wales.
> He later admitted to smacking his own children.[26]

Despite those assurances, official data now shows that significant numbers of parents have entered the criminal justice process as a result of the change in the law.

	Year 1	Year 2	Year 3
Referrals to diversion scheme[27]	130	125	110

In 2020, the Welsh Government anticipated a 100% increase in police referrals concerning "reasonable punishment" (from a baseline of 274 per year to around 548 per year) based on international experience from New Zealand.[28] Though not all these referrals would proceed to prosecution, they all would be cases that would require formal investigation.

Some of these reports will represent mistaken or intentionally false accusations. Some will be referred to social services. Others are referred to the diversion scheme, and a small number of these will proceed to court.

Previously, parents in each of the 274 referrals would have been exonerated as having not committed a crime. This means the new figures represent not only the doubling of the number of reports, but a real-term annual increase of 548 police investigations into parents for illegal assault.

This would have amounted to a very significant increase in the criminalisation of parents, against the promises of senior political figures. Under pressure, the Welsh Government has sought to mitigate the prospect of large-scale prosecutions by introducing an out-of-court diversion scheme, through which parents can receive information or guidance on parenting approaches instead of being taken to court.

In the first year, 130 referrals were made to the diversion scheme. In the second year, 125 referrals were made, and in the third year, the figure was 110. Though these do not represent cases against parents prosecuted in courts, it would be misleading to suggest these numbers do not represent a form of criminalisation. They are also just a subset of the total number of cases referred to the police.

Understanding diversion

The diversion process can usefully be compared to other forms of out-of-court resolution. In the same way that drivers caught speeding may be offered an educational course instead of penalty points, parents investigated for low-level physical punishment can now be directed toward educational interventions.

Importantly, the offence itself has not been decriminalised. Physical chastisement of a child now falls within the scope of common assault under the criminal law. A decision to handle a case through diversion reflects prosecutorial discretion, not an absence of criminal liability.

Failure to complete or engage with a diversion scheme can presumably still lead to traditional legal consequences. This means that, while the measure aims to educate rather than punish, it nonetheless functions as a formal response to an unlawful act.

The practical effect is that Wales now records over a hundred parents each year entering the criminal justice process for behaviour that, before 2022, was considered within the bounds of lawful parental discipline.

DBS checks and implications for families

Thousands of parents are reported for having used 'physical punishment' each year in Wales, with several hundred having received out-of-court disposals since the Act came into force. During its passage, it was argued that the 'ban' would not be intrusive or heavy-handed because it was not seeking to raise prosecutions against parents. However, the number of prosecutions is not the only way of measuring the on-the-ground reality of the law change for parents.

The day-to-day impact is seen in the scope for parents to be barred from employment, volunteering opportunities, education courses, and even travelling abroad. The Welsh Government's own Explanatory Memorandum confirmed that such implications were real, depending on how individual cases are handled and recorded. Speaking of a conviction or caution provided to a parent following an accusation of smacking (now falling within 'common assault') it states that:

"In the case of a conviction following prosecution for common assault, or a caution for common assault on a child, this would form part of an individual's criminal record. It would not be eligible for filtering and would therefore appear for the purposes of a standard or enhanced check undertaken through the Disclosure and Barring Service (DBS). This may have consequences

for the individual's employment prospects, depending on the area where they work, and on the ability to travel to certain countries."[29]

The intention of the DBS system is to ensure that those who work with vulnerable people are suitable to do so. That principle is universally accepted. The difficulty arises because the legal definition of 'assault on a child' now includes mainstream parenting interactions such as tapping the back of a child's hand.

Put simply: actions that would have been deemed 'reasonable' by a court could now appear on a person's DBS check as 'assault on a child'. As a result, they would find themselves unable to gain employment in many places.

The DBS "helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children".[30] DBS checks involve a level of filtering to prevent the disclosure of certain minor offences, considered irrelevant to working with vulnerable groups. The Welsh Government notes that offences that involve assault on a child "will never be eligible for filtering [from a criminal record check]" regardless the length of time since the offence.[31]

DBS checks apply to a wide range of employment roles, but also to educational courses where future working with vulnerable people may be envisioned, "such as medicine, dentistry, teaching and social work". The Explanatory Memorandum adds: "Those in volunteering roles working with children may also be affected, depending on the nature of their role."[32]

Discretionary disclosure

Importantly, investigations that result in no further action, or non-statutory out-of-court disposals, while not technically being applied to the "offender's criminal record",[33] are still eligible for disclosure under an 'Enhanced' DBS check in some circumstances. Investigations still under way may also be included.[34]

Enhanced DBS checks are used for applicants whose roles involve work with or in a setting where they may encounter children and vulnerable groups, whether infrequently or regularly. Such roles include childminding (and others who live or work on the premises), employment in social care settings (regardless of role), employment in educational establishments (regardless of role), those who work in healthcare settings, and more. Rightly, this is a broad category which includes many who do not personally work with children, or may encounter them only occasionally, such as cleaners and bus drivers.

Information will only be shared as part of an Enhanced check if it is considered 'relevant' and 'proportionate'. But it is easy to see how incidents involving accusations of 'assault against a child' would be included in an Enhanced DBS check, even if the incident involved only actions previously deemed 'reasonable' and where no evidence of harm is present.

Cases involving a community resolution, for instance, typically require an "acceptance of responsibility".[35] For smacking cases, this presumably requires an admission of having 'assaulted' a child under the definitions of the Act. Though disclosure remains at the discretion of the Chief Police Officer, such information may obviously be deemed relevant.

Social services referrals or investigations are not ordinarily included in DBS checks, as they are not considered part of a person's criminal record. But there remains a possibility of disclosure in an Enhanced check, should the police have been informed or involved at any point. The police "seek, where possible, to make a joint decision with social services on the appropriate response to a child protection referral" and "the police work on the basis of a multi-agency approach, with social services and other relevant services, in relation to potential child protection cases".[36]

No-one should overlook the importance of child safeguarding but the new law treats mainstream parenting as child abuse, leading to unjust, disproportionate and lasting damage to innocent parents and their children.

> ***"The effect of [the smacking ban] 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… Any touching of another person, however slight, may amount to battery."***
> Leighton Andrews – Former Children's Minister[37]

Cost to the public purse

Initial Welsh Government estimates suggested that implementing the 'Reasonable Punishment' Act would cost up to £3.7 million over five years, including around £1 million in additional police and criminal justice expenditure.[38]

During the Bill's passage, however, the estimate was revised sharply upwards. In March 2020, the total spend on implementation of the Bill was estimated at up to £7.9 million over an eight-year period.[39] This included out-of-court disposal schemes that had not previously been costed, at up to £2.5 million. By January 2022, £1.65 million had already been spent developing the Bill.[40]

However, these early figures excluded key areas: the cost for social services, family courts, Cafcass Cymru (the Children and Family Court Advisory and Support Service), and the CPS. This was due to what was described in the Government's Impact Assessment as a "limited or lack of evidence on which to base the likely, realistic scale of the impact".[41]

Notably, the Government admitted: "we have been unable to establish a sufficiently accurate estimate for a baseline for social services".[42] It was also noted that the costs of potential impacts would "vary according to individual circumstances", although this doesn't differ from other areas in which costings *were* provided.

Other potential costs – for example, those falling within family support initiatives such as the Families First programme – have not been separately identified. While such schemes operate under existing budgets, the removal of the reasonable punishment defence may have increased demand for family support interventions, effectively redirecting funds from other priorities.

Taken together, these figures suggest that the overall financial impact of the policy has been significantly higher than originally anticipated, and that the true cost to public services is likely to continue to rise as more families come into contact with the system.

Cost to social services

In 2020, the Welsh Government estimated that each referral to social services cost £535, reflecting administrative and assessment time for cases not proceeding to section 47 child protection inquiries.[43]

Applying this cost to the observed rise in referrals linked to physical punishment gives a conservative sense of the financial pressure on local authorities.

If the increase is calculated only for assessments where physical punishment was the only factor (up by 753 cases between 2021-22 and 2023-24), the additional cost would be roughly £402,855 per year.

If instead the increase is calculated for contacts where physical punishment was a factor (up by 2,383 cases), the additional cost rises to around £1,274,905 per year.

Range of additional annual cost to social services (based on 2019 cost estimates)	
Increase in assessments (physical punishment the *only* factor)	£402,855
Increase in contacts (physical punishment a factor)	£1,274,905

Note: Based on Welsh Government estimate of £535 per referral (2019). Figures not adjusted for inflation.

These figures exclude several factors:

- The £535 per-referral estimate dates from 2019. Adjusted for inflation to 2024, this would be approximately £689, implying a potential cost range of £519,000–£1.64 million per year.[44]
- These calculations reflect only new cases arising because of the law change. They do not account for the higher investigative cost of existing cases now subject to criminal thresholds.
- The figures also exclude the likely increase in section 47 child protection inquiries and in police involvement, for which no public data is available.
- Official statistics continue to under-report cases in several local authorities, meaning that true costs could be higher still.

Over the five-year forecast period outlined by the Welsh Government, this implies a cumulative additional cost to social services of between £2 million and £6.4 million. If combined with the wider implementation costs already identified, the total estimated cost to the public purse could reach up to £14.3 million at 2020 prices, or approximately £18.3 million when adjusted for inflation to present values.[45]

These calculations should not be viewed as exact, but they illustrate the order of magnitude of additional financial pressure created by the policy. Even at the lower end, the sums involved are very substantial within the context of Welsh local government budgets.

The wider resource challenge

Many of the additional costs of implementation do not appear to have been funded by the Welsh Government. The reality is there are finite budgets, resources and trained staff. In practice, this means that increased demand from smacking-related referrals must be absorbed by diverting capacity from elsewhere within social services, the police, or associated family support programmes.

It might be hoped that the most serious cases would continue to receive priority attention. However, in reality, social workers and police officers are legally obliged to investigate every allegation involving physical punishment, regardless of severity. Each new contact, therefore, represents additional assessment time that must be spent before a case can be safely closed.

Be Reasonable Wales remains concerned that this reallocation of attention risks stretching limited resources thinner, potentially delaying responses in cases of genuine abuse or neglect. The problem is not that professionals are failing in their duties, but that the legal framework now compels them to treat a broader range of incidents as possible criminal matters.

In a service already facing recruitment and retention challenges, any expansion of statutory workload without proportionate resourcing can have serious consequences for child protection effectiveness overall.

Added burden of early escalation

Freedom of Information responses from two Welsh local authorities provided copies of guidance issued to social workers and other professionals with safeguarding responsibilities. One set of guidance includes practical scenarios illustrating how reports of potential harm are to be handled.[46]

In one example, a teacher reported that a young pupil stated his father had used physical punishment, saying, "…Because I am naughty…" without providing further details and showing no visible injuries.

The guidance noted:

> ***"Action Taken: Strategy discussion convened and a Section 47 investigation took place as it was not known if the child was injured:***
> - ***Two uniform police officers visited the 4-year-old.***
> - ***There was no evidence of any injuries.***
> - ***The child did not give any more information. There was no further action."***

Another scenario involved a child reporting that "mum smacks my bottom," again with no additional concerns reported. The guidance stated:

> ***"Referral: A referral was made and [the child] told a member of staff that 'mum smacks my bottom.' There were no other concerns stated and no further conversations had taken place."***

Both of these cases triggered formal **section 47 investigations**, statutory procedures intended to establish whether a child is suffering, or is likely to suffer, significant harm. These examples demonstrate how relatively minor concerns can be escalated into formal investigations involving both social services and police.

This has implications for resourcing and cost assumptions. Official estimates of social services expenditure assume cases will not be escalated to section 47 investigations, which can involve multiple professionals, police visits, documentation and case management. Yet, as these FOI examples show, even minor reports can generate full statutory processes. This suggests that resources may be redirected from broader preventative or support work toward investigations where, on the facts, there is no real risk to the child, representing an additional cost to the system, and a greater impact on families.

By illustrating the early escalation of minor cases, and the associated costs, these FOI responses indicate that social services could be forced to over-react, with potentially significant implications for both financial planning and service delivery.

Gaps in any forthcoming three-year review

In January 2025, Dawn Bowden MS, Minister for Children and Care, confirmed that the Welsh Government would carry out three- and five-year post-implementation reviews of the 'Reasonable Punishment' Act.

The reviews are intended to assess the impact on public services, awareness of the law, attitudes to physical punishment, and stakeholder experiences. The three-year review was expected before the summer of 2025.

Despite this commitment, the three-year review has not yet been published. To gauge progress, Freedom of Information requests were submitted to local authorities, health boards, and police forces in Wales. Several responses reveal significant gaps in data collection and reporting:

- Powys Teaching Health Board (3 September 2025):
  "I can confirm that Powys Teaching Health Board (PTHB) has not been asked to share data or provide an impact assessment to the Welsh Government's review of the smacking ban. … You may wish to contact PCC for further information at information. compliance@powys.gov.uk."[47]

- North Wales Police (3 September 2025):
  "In relation to questions 1-4 & 6 we are not aware of any communications on this topic. However to ensure this is correct we would need to carry out searches on all emails/letters etc. The cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (FOI) Fees and Appropriate Limit regulations 2004."[48]

- Pembrokeshire County Council (5 September 2025):
  "No information held. To our knowledge, the Welsh Government has not carried out a review of the smacking ban."[49]

- Cardiff City Council (8 September 2025):
  "The City of Cardiff Council does not hold this information therefore under Section 17 of the Freedom of Information Act 2000 this acts as a refusal notice. … Welsh Government did not supply any data or an Equality Impact Assessment to assist us with a response to the Welsh Governments' review of the smacking ban. Officers were interviewed, rather than required to provide a formal written response … Therefore, we recommend that you contact Welsh Government as they arranged a number of workshops prior to implementation."[50]

- Caerphilly County Borough Council (10 September 2025):
  "CCBC receive funding to complete work with parents around the 'Abolition of the Defence of Reasonable Punishment' as part of the Children and Communities Grant (CCG). … As such it falls below the threshold of requiring a data and impact assessment. Welsh Government also did not require a data or impact assessment when awarding the grant."[51]

Collectively, these responses suggest that the data supporting the three-year review is incomplete. Health boards and local authorities either have not been asked to provide evidence or have no records. Where funding or programmes exist, such as parenting support delivered under grants, the Welsh Government did not require any formal evaluation or impact assessment.

The FOI evidence raises questions about how the Welsh Government will produce a comprehensive post-implementation review without clear and centrally collected data from the organisations responsible for delivering and monitoring services under the Act.

Conclusion

The ‘Reasonable Punishment’ Act was introduced with assurances that it would protect children’s rights without criminalising parents. In practice, however, the law has led to a measurable increase in the burden on social services. This likely reduces capacity to protect at-risk children while unnecessarily interfering in the family lives of innocent parents, which itself can cause trauma to their children. And over a hundred parents a year are entering the criminal justice system for behaviour formerly recognised as ‘reasonable’.

While the diversion scheme mitigates against prosecutions, participation still represents formal engagement with the criminal justice system. Any engagement with police services may have long-term consequences through criminal records and Enhanced DBS checks, affecting employment, volunteering, education and travel.

Financially, the policy has imposed significant costs on the public purse. Initial estimates of £3.7 million, rose to £7.9 million within a year, yet have been further surpassed when accounting for social services and the potential escalation of minor cases to statutory section 47 investigations.

Conservative estimates suggest additional social services costs of £519,000 to £1.64 million annually, with total cumulative public expenditure potentially exceeding £14 million (£18 million when adjusted for inflation).

Beyond monetary cost, increased workloads place strain on an already stretched workforce, potentially diverting attention from higher-risk child protection cases and broader preventative services.

The implementation of the law has also highlighted gaps in monitoring and evaluation. FOI responses from health boards, local authorities, and police forces indicate that data collection has been inconsistent or absent, with no requirement for formal impact assessments where funding for parental support programmes exists.

These shortcomings raise questions about the validity and comprehensiveness of the forthcoming three-year review, limiting the ability to assess the Act’s full impact on families, services, and public attitudes.

In summary, while the Act was intended to safeguard children, its introduction has produced tangible consequences for families, public services and local authorities. The law has blurred the distinction between minor physical discipline and criminal assault, creating both practical and financial pressures, with incomplete data collection undermining efforts to evaluate its effectiveness.

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