

1

The law in Wales has changed

On 21 March 2022, Wales joined more than 60 nations across the globe who have outlawed physical punishment towards a child.

The overarching aim of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 is to help protect children's rights and give all children in Wales the best start in life.



Cwm Taf Morgannwg
Bwrdd Diogelu
Safeguarding Board

Ending Physical Punishment in Wales – Issue No 2



2

How has the law in Wales changed?

The new law does not create a new offence, rather has removed a 160-year-old legal defence – the defence of reasonable punishment – so that it cannot be used by anybody charged with common assault against a child.

Over the years legislation has limited the circumstances where the defence could be used and limited the settings where children can be physically punished. Physical punishment has long been outlawed in schools, children's homes, local authority foster care homes and childcare settings. The new law means it is also outlawed in unregulated settings, such as the home.

7

What support is available to children and parents?

The new law is a part of a much wider package of support for children and their parents. Targeted support through programmes such as Flying Start and Families First offer parenting support and advice alongside universal services provided by, for example, midwives, health visitors, GPs and local authorities.

The [Parenting. Give it time](#) website is an excellent resource for both families and practitioners. Please also visit [CYSUR](#), Regional Safeguarding Board and Welsh Government's [Ending Physical Punishment](#) website for more information.

3

What is physical punishment?

Physical punishment is the use of physical force to punish a child. While smacking is what usually comes to mind, physical punishment can take many forms including, hitting, slapping and shaking. Attitudes towards physical punishment have changed with fewer parents and guardians of young children in Wales supportive of physical punishment. What was seen as okay 30 years ago is less so now.

The United Nations Convention on the Rights of the Child (UNCRC) is the basis for the Welsh Government's policy on children. Prohibiting the physical punishment of children is in accordance with article 19 of the UNCRC – the right to protection from all forms of violence.

6

What do I need to do ?

If you witness someone physically punishing a child and are concerned, contact your local social services department for advice.

A [Practice Guide](#), to be used in conjunction with the Wales Safeguarding Procedures, provides further information and advice about safeguarding responses in relation to the Act. The change in the law is part of a longer-term strategy in Wales to change attitudes to parenting and disciplining children by encouraging and promoting alternative positive strategies.

All reported cases will continue to be risk assessed in the usual way. Where appropriate parents will be offered support via the [out of court parenting support scheme](#)

5

What the law does not do

It does not create a new offence; it simply removes the defence of reasonable punishment to the existing common law offence of common assault.

It does not stop parents disciplining their children - there is a big difference between discipline and physical punishment. Parents can use alternatives to physical punishment as a means of maintaining discipline and addressing poor behaviour.

It does not interfere with a parent's ability to parent - parents can of course physically intervene to keep a child safe from harm or help with day-to-day activities such as dressing or hygiene or cleanliness.

4

What the law does

It has removed the defence of reasonable punishment. This means it is illegal to physically punish children.

It gives children in Wales the same legal protection from assault as adults.

It removes a legal loophole, meaning the defence of reasonable punishment can no longer be used in unregulated settings such as the home, and places of learning, worship, play or leisure.

It brings clarity, making it easier for children, parents, professionals and the public to understand the law.