

Health and Social Care Committee
Social Services and Well-being (Wales) Bill
SSW 3 – Zero Tolerance

Dear Claire,

I am writing regarding the Social Services and Well-being Bill. I am writing to ask the Health and Social Care Committee and the Children and Young People Committee of the NAW to recommend in the Stage 1 Report that the Bill should include a provision to remove the “reasonable punishment” defence, which allows the ‘smacking’ (physical assault) of children.

Zero Tolerance is a charity working to end violence against women and children. We are based in Scotland but work across the UK, and take a keen interest in policy developments across the UK, particularly in other devolved nations, as these can often lead to new developments in our own area. We are following developments with this Bill with interest and welcome its focus on safeguarding children, on promoting well-being, on a rights based approach and on prevention and early intervention, as these are key areas of interest for us – we have always been a preventative agency, which works to stop violence from happening rather than reacting to its aftermath. We provide a range of preventative programmes, training schemes and resources all of which aim to change people’s understanding of violence and raise awareness of the fact that it is a tool that is used in a function way to control people, not a ‘heart of the moment’ response to circumstances. Violence is a breach of power relations and a mechanism for keeping women and children in a subordinate position in society.

We strongly disagree with ‘smacking’ of children, believing that the physical chastisement of children breaches their human rights and teaches them that violence is a useful and acceptable solution to situations of conflict or tension, or where there is a power imbalance between people who disagree. There are many ways to discipline a child and teach them how to behave which do not involve using physical violence, and which instil positive values. We believe that the fact that ‘smacking’ is still allowed is a hangover from a more violent and less informed time when we had less understanding of children’s rights and of the importance of a child’s early years in its future success, happiness and well-being. Continuing to allow the ‘smacking’ of children is at odds with other work to state that domestic or partner violence is never acceptable and work to promote child health and wellbeing.

Providing children with protection from violent punishment is particularly relevant to their physical and mental health and emotional well-being; their protection from abuse and neglect; well-being in their domestic, family and personal relationships; and their rights and entitlements. Ultimately, we can see no reason that children should not have the same protection under the law on assault as adults. If anything, children should have MORE protection than adults, due to their vulnerabilities.

The Welsh Government has an excellent opportunity now to end this anomaly and to lead the rest of the UK in this issue. The First Minister confirmed in October 2011, having taken legal advice, that the National Assembly now has the power to legislate to remove the defence. We urge the H&S Committee and the CYP Committee to recommend in the stage 1 report that the “reasonable punishment” defence should be removed.

The children of Wales (and hopefully, in turn, the rest of the UK) deserve better – please act to end violence against children.

Please feel free to publish this response in full, if that is standard procedure.

Yours sincerely,

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Coordinator

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Zero Tolerance is a Scottish Charity, no. SCO 023 484
Working to end men's violence against women and children