

Consultation on the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

Tystiolaeth i'r Pwyllgor Plant, Pobl Ifanc ac Addysg ar gyfer craffu Cyfnod 1 Bil Plant (Diddymu Amddiffyniad Cosb Resymol) (Cymru)	Evidence submitted to the Children, Young People and Education Committee for Stage 1 scrutiny of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill
CADRP-276	CADRP-276

About you

Individual

1 The Bill's general principles

1.1 Do you support the principles of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill?

— No

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1000 words)

The Bill confuses two issues and consequently seeks to criminalize behavior that is at its core loving, caring and designed to give clarity and promote good domestic and social development in the child, i.e. controlled parental discipline, up to and including smacking. There is the world of difference between child abuse of all kinds, and the occasional use of a smack to define the boundaries of acceptable behavior in a child who has refused to accept warnings against that behavior. Responsible parenting will frame such an approach within a context of love and concern for the child's good. It is of concern that such legislation seems to start from the viewpoint that children are blank sheets with no inclination to selfishness, anti-social behavior, when any parent knows that quite to the contrary a child without boundaries will become impossible to control within the family, and the wider society.

Experience from elsewhere in Europe e.g. Sweden has demonstrated that reduced sanction in the home does not improve social behavior, but may remove restraints on child on child violence.

Within the Welsh context how can an overstretched police force be expected to handle the additional workload, and how many cases of real abuse will be missed whilst parents who out of love and concern for their child are investigated and possibly receive a criminal record for simply seeking to restrain dangerous (for example in the case of a young child who

persistently runs into the road, a smack with the accompanying shock it causes may halt this life threatening behavior and is clearly carried through out of love and for the child's good), or anti-social behavior in their child? It is also of concern, and a form of institutional tyranny that any government should regard itself as better place than the majority of parents (I do not deny that a minority are abusive and need to be restrained) to determine in a particular time frame and circumstance what is the best response to the child's behavior.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

(we would be grateful if you could keep your answer to around 1000 words)

No, the law is adequate as it stands, the bill goes beyond reasonable state involvement in this field, and particularly sets as absolute goods, value and standards that are relative, partial, and informed from a limited perspective.

2 The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 1000 words)

Police overwork, lack of legal capacity (courts, etc).

2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 1000 words)

No.

3 Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 1000 words)

I think the greatest unintended consequences will be as follows,

Parents who love and responsibly raise their children will be regarded by the law as criminals, and the families may well become dysfunctional owing to the external restraint placed on the parents disciplinary structure.

In the longer term, society itself will see a rise in greater levels of anti-social behavior as children grow up without adequate discipline and therefore, over time conclude that anything goes.

4 Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 1000 words)

I don not know enough about funding, etc. to comment other than it is obvious that enforcing such a Bill will create higher costs for government .

5 Other considerations

5.1 Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

No my points above adequately cover the issues.