

# How can we safeguard children when it's still legal to hit them?



Over 700 organisations support the aims of the Children Are Unbeatable! Alliance for the repeal of the “reasonable punishment” defence under section 58 of the Children Act 2004 and for the promotion of non-violent parenting. CAU! is the largest alliance ever formed on a children’s issue in the UK. It includes all the children’s organisations and five Royal Colleges of Health. However at present only around a third of English Local Safeguarding Children Boards have signed in support of our aims.

**If those working in child protection overwhelmingly called for removal of the defence, this could not be ignored by the Government.** The UK is under intense pressure from UN and European human bodies to ban all physical punishment. Section 58 violates children’s human rights to dignity, physical integrity and equal protection under the law.

## Why section 58 undermines effective child protection

- The law simply encourages parents to “carry on smacking” (as the tabloids put it). Millions of UK children continue to be hit by their parents and carers.
- For some parents mild smacks escalate into serious assaults. Because smacking fails to secure long-term improvements in behaviour, parents hit with increasing force and frustration. Research has found the majority of physical abuse cases occurred in the context of physical punishment.
- Because section 58 exists, professionals cannot deliver an unambiguous message to parents not to hit children. Witnesses are reluctant to intervene and children themselves do not complain about being hit.
- “Reasonable punishment” is not defined and causes dangerous confusion. For example blows to the head are not prohibited, nor highly frequent smacking, nor very painful and humiliating

punishments (the Court of Appeal found that kicking could constitute “reasonable punishment”).

- All smacks carry risk to children’s healthy development. Research studies have found that “ordinary” physical punishment is associated with many harmful behaviours in childhood and later life. It contributes to the social acceptability of violence. People who were physically punished in childhood are significantly more likely to perpetrate sexual and domestic violence
- Parents often say they smack out of stress, but smacking does not alleviate stress. Family relationships, even in difficult circumstances, invariably improve when smacking stops. Children’s good behaviour is never dependent on physical punishment. Quite the reverse: smacked children are more likely to exhibit behaviour problems than those who are not smacked.



**CHILDREN**  
ARE UNBEATABLE!

## **Prohibiting all physical punishment is fundamental to child protection, costs little and has been widely tested. So why hasn't it happened?**

The cynical answer is that parents and the general public do not support a smacking ban. The 46 countries that have banned smacking all did so against public opinion (though with support from professionals, NGOs and faith groups). A more fundamental answer is that smacking is part of our culture. Most of us were smacked as children, have smacked our own children or know relatives and friends who have. This is not about denouncing smackers; it is about moving our society on, just as we moved on from a society where husbands had the right to hit their wives and masters to hit their servants.

The UK Government argues that "a mild smack does not constitute violence and that parents should not be criminalised for giving a mild smack." Both statements must be challenged. A smack is legally a battery and is intended to hurt. As for "criminalising parents", this is scaremongering: under a ban the thresholds for civil and criminal interventions would remain unchanged. Prosecutions could only occur if they are in the public interest *and* the best interest of the child.

**In 2008 the key child protection agencies - ADCS, BASW, BASPCAN, CPHVA, NSPCC, RCN and RCPCH – issued the following joint statement:**

"We believe that complete removal of the 'reasonable punishment' defence will fulfil children's human rights, reduce violence against children, improve the effectiveness of child protection [and] provide a foundation for promotion of positive discipline that works. If it is accompanied by appropriate guidance prepared following full consultation with ourselves and other parties, we are confident that:

- its implementation in children's best interests can be assured
- there will be no change to the 'significant harm' threshold for formal investigation
- parents will not be prosecuted for 'minor assaults', as this would not be in children's best interests."

None of the countries with a full ban has experienced adverse consequences such as parents being prosecuted or children removed because of mild smacks. As important, the countries which actively promote their bans show declining rates of violence to children, including severe violence. The physical punishment of children becomes extremely rare.

## **What can I do?**

- Join the Children Are Unbeatable! Alliance – sign up online or at our stand
- Become one of our child protection activists – email [rachel@childrenareunbeatable.org.uk](mailto:rachel@childrenareunbeatable.org.uk)
- If your LSCB has not signed up in support of our aims, encourage it to do so now (see list on our website under "supporters")
- Ask your MP to back the campaign

**For all details, including research citations not included here for space reasons, see [www.childrenareunbeatable.org.uk](http://www.childrenareunbeatable.org.uk)**