

# Children Are Unbeatable! Newsletter England

Issue No. 2 – April 2010 (see [website](#) for previous issues)

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## Parliament and Government

The last newsletter reported Children Are Unbeatable! support for an amendment to the Children, Schools and Families Bill restricting use of the defence of “reasonable punishment” to people with legal parental responsibility (i.e. most parents, adopted parents, legal guardians etc) – see [CAU! briefing](#). The effect would be to deny the defence to all those acting *in loco parentis* who are currently not prohibited from using physical punishment: a group which includes sports coaches, tutors, teachers in Sunday Schools and madrasas and anyone else providing part-time education below 12.5 hours a week, those working with children in the health, mental health, play and youth services as well as relatives, baby-sitters, nannies and the sexual partners of parents. While continuing to urge full prohibition, Children Are Unbeatable! argued that such a reform would be an incremental step that would save thousands of children from unnecessary pain and humiliation.

In view of the election the amendment stood no chance of becoming law, but in response to concern about the legal loopholes Ed Balls, Secretary of State for Children, Schools and Families, asked Sir Roger Singleton, the Chief Adviser on the Safety of Children, to review and report back on the use of physical punishment in part-time educational and learning settings and by others acting *in loco parentis*.

Sir Roger consulted a number of relevant organisations and faith groups on three proposals:

1. to maintain the current position,
2. to remove the reasonable punishment defence from adults in organisations which care for or educate children and where parents are

- unable to exercise their judgement about which particular individuals look after their children, and
3. to remove the reasonable punishment defence from everyone except parents and people with parental responsibilities (i.e. the amendment).

He also conducted a survey of public opinion on who, other than parents, should be allowed to smack children.

Children Are Unbeatable! urged Sir Roger to recommend complete removal of the defence as the only safe and human rights-compliant solution for children but in the context of the three proposals, CAU! supported the third. As regards Sir Roger's second proposal, CAU! pointed out that physical punishment is most commonly used by individuals in children's family and household, rather than in organisations, and that there have been a number of cases where such individuals have been guilty of perpetrating serious assaults on children. Safeguarding would be significantly improved if practitioners could state that no person can physically punish a child unless they have legal parental responsibility. CAU! also reminded Sir Roger that common law gives people acting in loco parentis an independent right to use the defence of "reasonable punishment" regardless of parental wishes, so parents are not able to control physical punishment by people to whom they personally entrust their children.

Although both the consulted organisations and the public opinion survey showed a majority in support of limiting the right to smack to parents only, Sir Roger did not feel able to recommend the restriction proposed in the amendment. Instead [Sir Roger Singleton's report](#) made three recommendations:

1. The current ban on physical punishment in schools and other children's settings should be extended to include any form of advice, guidance, teaching, training, instruction, worship, treatment or therapy and to any form of care or supervision which is carried out other than by a parent or member of the child's own family or household.
2. The Government should continue to promote positive parenting strategies and effective behaviour management techniques directed towards eliminating the use of smacking. Parents who disapprove of smacking should make this clear to others who care for their children.
3. The development of appropriate safeguarding policies in informal education and learning organisations should continue to be promoted. Legal changes which flow from adoption of these recommendations will need to be communicated effectively.

The Government has accepted Sir Roger's recommendations in full and is committed to implementing them as soon as possible.

Children Are Unbeatable! [has written to Ed Balls](#) welcoming the limited reforms, expressing bewilderment as to why he could not have gone further, asking for clarification as to what is meant by "the child's family and household" (for example, it is not clear whether private foster carers are included in this category) and enclosing a [briefing on why section 58 undermines safeguarding](#). It hoped that, after the election, the Government

will consult further on legal reform, particularly taking into account the opinions of safeguarding practitioners.

### ***Many thanks to outgoing MP supporters***

Children Are Unbeatable! would like to take this opportunity to thank all our supportive MPs who are standing down at the general election:

John Austin, David Chaytor, Michael Clapham, Harry Cohen, Frank Cook, John Cummings, Claire Curtis-Thomas, Janet Dean, Jim Devine, Bill Etherington, Neil Gerrard, Patricia Hewitt, David Howarth, Lynne Jones, Paul Keetch, Bob Laxton, David Lepper, Tom Levitt, Laura Moffatt, Doug Naysmith, Greg Pope, Adam Price, Ken Purchase, Siôn Simon, Alan Simpson, Howard Stoate, Matthew Taylor, Mark Todd, Des Turner, Rudi Vis, Betty Williams, Phil Willis, and Derek Wyatt.

### ***What you can do***

Ask your new MP to support equal protection for children – see [parliamentary action leaflet](#). Please send any information you receive – good or bad - to our Parliamentary Adviser, Catherine Hodder, [chodder@crae.org.uk](mailto:chodder@crae.org.uk) , tel 0207 278 8222 ext. 27.

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## **Child protection**

Since the last newsletter in December, five more Local Safeguarding Children Boards have signed up to support the aims of Children Are Unbeatable!

**Derby, Essex, Reading, Swindon and West Berkshire**, bringing the number of supporting LSCBs in England to 23. There is now at least one supporter LSCB in each of the English regions, with five in the North East. More than 80 boards are still to make the decision.

Each LSCB has representatives from all local agencies, organisations and professions working to safeguard children. Thus the decision to sign up to CAU! will have been made by, say, 30 individuals each representing a different body – from health visitors to headteachers, paediatricians to the police. The following statement from the chair of one of the recent supporting LSCBs illustrates the importance to CAU! of this support.

“As an independent chair of the independent statutory body charged with promoting the safety of all our children it is inconceivable to me that we could do anything other than press for children to have the same legal protection from assault as adults. This would not mean criminalising well-meaning parents, but would give a clear and much-needed message that in our “civilised” society people should not hit each other.” (Paul Fallon, Chair Essex LSCB)

### ***What you can do***

- If your work involves child protection in any way, please contact your LSCB and encourage them to sign up to the Alliance

- If you are a member of an LSCB that has not yet discussed signing up to the Alliance, please urge your board chair to place the issue on the agenda for the next meeting
- If you are a member of an LSCB that voted not to sign up, please ask the chair to reconsider the decision
- If you are a member of an LSCB that has signed up, please ask your chair to promote that decision with other boards in the region

For more information or materials for LSCBs, please contact Pat Gordon-Smith on 07528 275646; [pat.gsmith@yahoo.co.uk](mailto:pat.gsmith@yahoo.co.uk).

### ***Conversations with the police***

As part of the project to engage the safeguarding community, CAU! is seeking dialogue with the police. Police forces are not in a position to sign up to the Alliance, but it is incredibly helpful for the Alliance to know what they think about a potential ban on smacking and how it might impact on their work. We're keen to understand their concerns and any arguments for opposing a ban, as well as welcoming advice in support of our aims.

### ***What you can do***

If you are a member of the police or know police who would be interested in talking to the Alliance, please contact Pat Gordon-Smith on 07528 275646 or email her at [pat.gsmith@yahoo.co.uk](mailto:pat.gsmith@yahoo.co.uk).

### ***Revision of Working Together to Safeguard Children***

Children Are Unbeatable! submitted a lengthy [response](#) to the proposed revision of *Working Together to Safeguard Children*, the official guidance to child protection agencies. We expressed astonishment that, in over 300 pages of advice, neither the previous version nor the proposed revision contain a single reference to physical punishment in the home.

The submission highlighted research showing that physical punishment is almost always featured in cases of serious physical abuse, that physical punishment is potentially harmful to children's healthy development and that large numbers of children across the country are currently being hit, hurt and injured by its use. It pointed out that to date there has been no guidance to professionals on the new smacking law or on current Government policy (to promote positive parenting and actively discourage parents from using physical punishment).

Four recommendations were made:

- The revised *Working Together* should systematically address all aspects of physical punishment in relation to safeguarding – for example, as a factor in sexual and emotional abuse as well as in physical abuse, the urgent need to prevent its use in private foster care, custody and on disabled children, its relationship to domestic violence, research findings etc.
- *Working Together* should advise all those in child protection to actively discourage parents from any form of physical punishment, including light

smacks. Just because there is a legal defence does not mean that professionals can't tell parents and carers not to use physical punishment.

- *Working Together* should advise all agencies connected to safeguarding to make their premises “smacking free zones.”
- *Working Together* should provide a clear and accurate explanation of the new law, including a recognition of its weaknesses – for example, that it is for the prosecution to prove the punishment is not reasonable, that punishments can be painful, frequent, risky and humiliating but still constitute a common assault.

The revised edition of *Working Together*, now running to 390 pages, was published on March 17. It continues to make no reference to physical punishment and all our recommendations were ignored.

### ***What you can do***

Encourage your agency or LSCB to adopt all or any of the four measures recommended above, and to urge government to produce supplementary guidance to remedy the absence of advice on this central and crucial issue in *Working Together*.

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## **Young supporters**

In January 2010 Children are Unbeatable! published a new report into the views of very young children on family discipline, including smacking. Carried out in Sure Start centres and nurseries in England, the research builds on previous research on this topic with children but focuses for the first time on the views of the under-fives.

A storybook with pictures was used to introduce the topic to the 45 children who took part. The report, [\*I don't get sad, only when my mum smacks me: young children give advice about family discipline\*](#), found that the children condemned smacking as a form of parental discipline and suggested alternative discipline strategies, including talking to the child, removing privileges and giving rewards for good behaviour. They spoke about how much smacking hurts, both physically and emotionally.

Summaries of the report have been sent to Sure Start Children's Centres across England together with invitations to sign up to the Alliance. Over fifty Sure Starts have already signed up and we hope that many others will choose to join the growing group of early years professionals calling for equal protection for the children they work with.

What you can do:

- Ask your local Sure Start project to sign up to the aims of the Alliance.
- Ask children and young people you know to sign up to the Alliance, at [www.childrenareunbeatable.org.uk/children](http://www.childrenareunbeatable.org.uk/children). Young supporters receive a free action pack and regular information bulletins

- Use our free activity pack for schools and groups. It contains free lesson plans and ideas for activities on the themes of violence against children, faith and human rights. Download at [www.childrenareunbeatable.org.uk/children](http://www.childrenareunbeatable.org.uk/children)
- Invite us to visit your group. We offer free information and activity visits to youth groups, schools and other children's groups

For more information contact Elinor Milne, Children's Campaign Coordinator: [elinor@childrenareunbeatable.org.uk](mailto:elinor@childrenareunbeatable.org.uk); tel 07504 738 741.

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### **Faith groups**

The church roadshow on corporal punishment arrived at Oxford on the 16<sup>th</sup> March – as reported in the [Oxford Mail](#). The event, "Growing up without violence - ending legalised violence against children" was organised by the Churches Network for Non-violence in partnership with the NSPCC and held at the church of the Holy Family in Blackbird Leys, Oxford. The Lord Mayor of Oxford, local politicians and the Bishop of Oxford, the Rt Revd John Pritchard attended, the bishop leading a candlelight vigil dedicated to ending corporal punishment of children.

The Bishop wrote in the diocesan newsletter: "I'm very pleased to be identified with the roadshow. It seems to me crazy that violence against an adult can be the reason for a criminal charge but that violence against children is perfectly acceptable. The need for so called 'discipline' is a poor excuse. Children are our most precious and vulnerable resource for the future wellbeing of society, and violence should play no part in their lives."

For further information and news about roadshows in 2010 please contact: [chris@churchesfornon-violence.org](mailto:chris@churchesfornon-violence.org) or visit: [www.churchesfornon-violence.org](http://www.churchesfornon-violence.org)

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### **Across the world**

As at March 2010, corporal punishment of children is prohibited in all settings, including the family home, in 25 countries. Governments in a further 24 have made a public commitment to full prohibition and/or are actively considering draft legislation which would achieve this.

In addition, campaigns to promote full prohibition are active in countries across the world, including Australia, Brazil, Canada, Fiji, India, Japan, Kenya, Mongolia, Nicaragua, Nigeria, Pakistan, Peru, the Philippines, Poland and the US. The Southern African Network to End Corporal and Humiliating Punishment of Children coordinates the promotion of prohibition in Botswana, Lesotho, Mauritius, Mozambique, South Africa, Swaziland and Zambia, and the Global Initiative to End All Corporal Punishment of Children is working in

partnership with the African Child Policy Forum to increase the promotion of law reform in other African countries.

Progress is also being made in prohibiting corporal punishment in schools. Belize has just enacted legislation which would prohibit it and established a task force to develop a plan for implementing the prohibition and training teachers in positive, non-violent discipline. Draft legislation for schools is being discussed in Nepal, Bhutan, Pakistan, the Cook Islands, Lesotho, the Republic of Korea, Trinidad and Tobago and Zanzibar, and is expected to be introduced in Jamaica this year.

For further information on this and all aspects of prohibition, see the [Global Initiative website](#). For regular updates on global progress, including news of new campaigns, research and resources, sign up to the Global Initiative e-newsletter (email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)).

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## Research

### ***Smacking 'good' for children?***

Much media attention was given in January 2010 to unpublished research by Professor Marjorie Gunnoe of Calvin University Michigan, purporting to find from a study of over 2,600 adults that children who were smacked between the ages of 2 and 6 were more likely “to do well at school, do more volunteer work and go to university” than those that were not.

In fact it appears that this research, which failed peer review, only studied the self-rated behaviour and aspirations of 177 high school students (of which 42 said they had not been smacked). Insofar as it showed anything, it showed that smacking after the age of six, and particularly after 11, was likely to make children significantly more violent. It did not show that smacking is good for children, although that is how it has been portrayed.

### ***Cross-cultural survey shows smacking leads to aggression and anxiety***

Researchers at the University of Michigan and five other universities looked at practices and perceptions of discipline in six countries, China, India, Italy, Kenya, Thailand and the Philippines. The study, appearing in the March/April issue of the journal *Child Development*, examined associations between the discipline techniques of 292 mothers and their children's aggressive and anxious behaviour.

Unlike other studies, this project collected information from both mothers and their children (aged 8 to 12). Eleven disciplinary techniques were analysed: teaching about good and bad behaviour; getting the child to apologize; time-out; removal of privileges, smacking; expressing disappointment; shame; yelling and scolding; withdrawal of love; threatening punishment; and promising a treat or privilege.

Despite small variations, there was a strong consistency in the results across countries: time-out, smacking, expressing disappointment and shaming were significantly related to greater child anxiety symptoms, and smacking, expressing disappointment and yelling were linked to child aggression.

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## **And finally...**

### ***Animals before children***

Children's well-being has been defined in various Government white papers and statutes under five headings commonly termed "the five outcomes". Less well-known is the fact that animals now have their own five outcomes, defined in section 9 of the Animal Welfare Act 2006.

No prizes for guessing which of animals or children is better protected from the infliction of pain under their five outcomes. Children must only be "protected against harm and neglect" whereas an owner commits a criminal offence if he fails to meet an animal's need to be "protected from pain, suffering, injury and disease."

The Welsh Assembly has a longstanding policy commitment to ban all physical punishment of children but is specifically prohibited by the Westminster Government from legislating on this issue. The Assembly has however recently managed to prohibit the use in Wales of electric shock collars used to train dogs and cats from behaving badly, welcomed by the RSPCA as "a great day for animal welfare in Wales."

Perhaps history will repeat itself. In 1874 the American Society for the Prevention of Cruelty to Animals was approached by a church worker named Etta Wheeler regarding the mistreatment of a child called Mary Ellen McCormack, who was being beaten daily by her foster mother. The head of the ASPCA, Henry Bergh, managed to secure custody of the child, allegedly arguing that she was part of the animal kingdom and could be protected under the laws against animal cruelty. After the trial and conviction of the foster mother for assault and battery, Etta Wheeler approached Bergh and asked him why there should not be a society to protect children like the one for animals. By the end of 1874 the first Society for the Prevention of Cruelty to Children was formed by Bergh and others.