

Children Are Unbeatable! Newsletter England

Issue No. 9 – January 2013 (see [website](#) for previous issues)

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Parliament and Government

Wales

As reported in previous newsletters, there is an exciting opportunity to achieve a smacking ban in Wales. Successive Welsh governments since 2002 have advocated for complete removal of the “reasonable punishment defence. In October 2011 the First Minister confirmed that Wales now has the devolved power to legislate and the National Assembly voted by a substantial cross-party majority (25 to 14) to encourage the Government to introduce the necessary legislation.

There has been some hesitation in the current (minority Labour) Government, but cross-party supporters are determined to bring the necessary legislative reform before the Assembly as soon as possible. A Social Services and Wellbeing Bill, about to be introduced includes provisions on safeguarding children and provides the obvious vehicle.

The Welsh Children’s Commissioner called for a ban in his annual report to the Assembly, and in the debate on his report on November 20, several Labour AMs as well as the leaders of Lib Dems and Plaid Cymru advocated a ban.

On the same day the Archbishop of Wales, Barry Morgan, held a prayer vigil for the ban in a bilingual central Cardiff Church (see [faith groups](#) below) at which a cross party statement by Welsh Assembly Members was read out. It said that the momentum of the 2011 debate should not be lost and that:

“...we continue with the courage of our convictions so that Wales can, once again, lead the way in upholding the rights of children and young people. While the law sends the message that it is defensible to hit a child, children will continue to be hit. Now the National Assembly has the power to legislate, we believe we must seize the opportunity to honour the human right of children to equal protection.”

What you can do:

This newsletter only goes to CAU! supporters in England – CAU! Cymru is separately coordinated – but if any readers have supportive contacts in Wales, please send details to Anne Crowley, Coordinator of CAU! Cymru (annecrowley125@btinternet.com)

Westminster

We need to recruit as much parliamentary support as possible – please write to your MP (or friendly Peer) to ask them to support CAU! Here is the information you need:

www.childrenareunbeatable.org.uk/pdfs/caucampaignsheetMPapril07.pdf

If you would prefer to email your MP, you can use this [website](#) (please include this link in your email: www.childrenareunbeatable.org.uk/pages/signup-individuals.php)

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Human rights pressure on UK

In September the UK Government issued its response to recommendations to ban corporal punishment made during the Universal Periodic Review in the Human Rights Council in Geneva:

“Keeping children safe is a top priority for the UK Government, which is absolutely clear that no child should be subjected to violence or abuse. The law in the UK only permits physical punishment of children in very limited circumstances... In any setting, an assault on a child that results in injuries that are more than transient or trifling would normally be charged as an assault occasioning actual or grievous bodily harm. Where that is the case, the assault cannot be defended on the basis that it is reasonable punishment. Research shows that fewer parents now use physical punishment, and we hope that trend continues. We encourage the

provision of evidence-based parenting programmes as they promote alternatives to physical punishment to manage children’s behaviour.”

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Child protection

Rotherham Local Safeguarding Children Board (LSCB) has joined support for the aims of Children Are Unbeatable, bringing the total number of supportive LSCBs to 37.

In [research](#) below the most recent biennial report on serious case reviews – [New learning from serious case reviews: a two year report for 2009-2011](#) – is criticised for failing to address the part played by physical punishment in serious child assaults and child deaths.

However, this report does contain useful commentary on the role LSCBs should play in the development of national policy:

“...[The] focus on creating or adapting local procedures, or arranging training for which the LSCB has the responsibility and capability to monitor and implement via the action plan, can mean that the deeper and wider issues get sidelined or diluted.

The interface between societal issues like deprivation and maltreatment are rarely reflected in recommendations or action plans. These big issues, such as poor environment and bad housing, tend to be thought of as beyond the scope of the review despite Working Together (HM Government, 2010:248) inviting consideration of national policy and practice issues. LSCBs may consider that these are issues over which they have little influence even though the potential for a single serious case review to prompt wide ranging change should by now be understood.” (page 6)

Some LSCBs have declined to support Children Are Unbeatable! because they believe that supporting changes in law and practice is not part of a Board’s statutory scope of responsibilities – this extract suggests quite the reverse, that LSCBs are neglecting their duty to consider the wider policy picture.

What you can do

- If you come into contact with an LSCB which has not yet decided to support CAU! (see the [full list](#) of supporting LSCBs under “Local Safeguarding Children Boards”) please encourage them to consider (or revisit) this decision.

- If you sit on an LSCB, please ask the chair to place CAU!'s renewed invitation to support its aims on the board meeting agenda. Contact Pat Gordon-Smith on 07528 275646 or pat.gsmith@yahoo.co.uk if you would like any information or materials to present to the chair and board.
- Tell us about any local or national possibilities for the Alliance to discuss changing the law on physical punishment with child protection professionals, and to encourage their support for the Alliance. Opportunities might include conferences, training sessions or informal meetings.

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Domestic violence

The last newsletter ([No. 8](#)) reported that domestic violence organisations are encouraged to sign a [statement](#) on why the legality of physical punishment of children undermines efforts to combat adult domestic violence. Signatory organisations now include Women's Aid, Refuge, Zero Tolerance, AVA (Against Violence and Abuse), Respect and Eaves.

What you can do

- Encourage organisations working on domestic violence to sign the statement. For more information contact rachel@childrenareunbeatable.org.uk.

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“Restraint” in penal settings

In July 2012 the Government announced a new system of restraint for use in under-18 Young Offender Institutions (YOIs) and Secure Training Centres (STCs) – [Minimising and Managing Physical Restraint](#) (MMPR). While the new system emphasises avoiding and defusing conflict, it includes techniques involving the deliberate infliction of pain on children.

The [Code of Practice for Managing the Behaviour of Children and Young People in the Secure Estate](#), issued by the Youth Justice Board to accompany the new system of restraint for use in YOIs and STCs makes clear that ‘Restrictive physical interventions must not be used as a punishment, or merely to secure compliance with staff instructions’. This position is also reflected in the Ministry of Justice Policy Framework but does not however appear in the training manuals.

An independent panel of experts, the Restraint Advisory Board (now the Independent Restraint Advisory Panel) endorsed some pain-inducing measures in its [report to government](#) but also noted that at no point had the Government explored the feasibility of developing a restraint system which does not incorporate pain induction techniques. Painful restraint is prohibited in secure

children's homes (SCHs), although YOIs, STCs and SCHs all have the same proportion of young offenders with convictions for violence. The Youth Justice Board is now commissioning research into the viability of a pain-free restraint system.

What you can do

Contact CRAE on restraint@crae.org.uk if you know a child who has experienced painful or degrading forms of restraint.

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Physical punishment in madrassas

Despite the chief crown prosecutor for north-west England's stated belief that physical abuse is widespread in madrassas, children's Minister Edward Timpson announced that the Government has no plans to prohibit the use of corporal punishment in part-time schools.

When yet another madrassa teacher was convicted of child cruelty in Lancashire, chief prosecutor Nazir Afzal told the BBC, "When we talk about three successful prosecutions in the last year in the North West and probably a dozen nationally, we're talking about literally the tip of the iceberg. In order to meet the demand, schools are being set up left right and centre. There is no Ofsted, no inspection regime, they're reliant entirely on a particular committee enforcing standards, ensuring discipline is correctly maintained. And if they are not up to the job, there's nothing to prevent children being harmed pretty much on a daily basis." (8 September 2012)

Tim Loughton MP (a former Department for Education minister) has twice asked Edward Timpson what action the Government is planning to take in relation to the recommendations of Sir Roger Singleton (see CAU! [newsletter 2](#), April 2010).

The Minister first answered that the Government was considering the recommendations and that "We are absolutely clear that no child should be subjected to violence or abuse. All the settings referred to in the question are subject to the law which protects children from violence and abuse." ([Written answer](#), November 8 2012). This is of course inaccurate, since section 58 of the Children Act 2004 currently permits the common assault of children in madrassas as "reasonable punishment".

Two weeks later the Minister stated that there were "no existing commitments to bring forward new proposals related to Sir Roger Singleton's report." ([Written answer](#) November 21 2012).

What you can do

- Write to Michael Gove or your MP to express concern about the Government's failure to ban physical punishment in all educational and care settings for children including madrassas and Sunday schools. (See 'how to write to your MP in [parliament](#) above).

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Faith groups

The Archbishop of Wales, Dr Barry Morgan, held a vigil service on November 20, Universal Children's Day, at which he said that physical punishment of children should be outlawed. Church leaders lit candles as an act of remembrance for children who have suffered violence and Dr Morgan washed children's feet.

He said, "Jesus believed that children were not just an asset for the future or a commitment to be undertaken for the sake of society. They were of infinite value as children. They deserved as much respect and care as any other human being... How can we ever think that smacking or using physical force on children can ever be right? None of us would ever dream of smacking an adult, why should we think smacking a child is any more acceptable?"

For more information contact info@churchesfornon-violence.org

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Parent education

A [statement](#) agreed by FPI, Parenting UK and the International Federation for Parenting Education, is currently being circulated for support among organisations and key individuals involved in parent education in England and Wales. It argues for law reform now, stating: "While the law continues to condone physical punishment, parenting education programmes and other efforts to encourage parents to move on to adopt positive, non-violent and effective forms of discipline are seriously undermined. And the safety of the minority of children whose parents still rely on violent punishment is compromised." Parenting organisations across the UK are urged to give this statement their formal support.

What you can do

- Confirm your organisation's support of the parent education statement by email to Miranda Horobin at info@endcorporalpunishment.org

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Across the world

Albania has been added to the list of states in which children are legally protected from all forms of corporal punishment in all settings, including the home. The total number of states with a full ban is 33 worldwide, and 23 in Europe (Council of Europe member states).

The Global Initiative to End All Corporal Punishment of Children and Save the Children have now published the progress report for 2012 [Ending legalised violence against children: Global report 2012](#). This is the seventh report following up the UN Study on Violence against Children which reviews the progress and delays in prohibiting corporal punishment of children throughout the world, with examples of regional and national developments. It shows how prohibiting corporal punishment is not only a child rights issue but is closely linked with the rights of women, the rights of persons with disabilities, and the right to health.

To sign up for the newsletter of the Global Initiative to End All Corporal Punishment of Children, contact info@endcorporalpunishment.org

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Research

Child protection research

The biennial report on serious case reviews in England [New learning from serious case reviews: a two year report for 2009-2011](#) once again fails to mention physical punishment either directly or indirectly, in line with the preceding analyses and more or less every other official UK document, review or inquiry into child protection.

The report raises other “key factors” in child deaths and serious injuries, such as the presence of domestic violence or substance abuse, but on physical punishment, central to many physical assaults on children (as well as being present in emotional and sexual abuse) there is not a word. This silence can become self-perpetuating. For example, the report proposes a standardised framework to enable coding data from both serious case reviews and child death overview panels. The proposed template includes boxes for “perpetrator characteristics” which list the presence of mental illness and domestic violence and boxes on “parenting capacity” which list basic care, health, safety, emotional warmth, stimulation, guidance and boundaries and stability – but nothing about using physical punishment in either category. Thus future computer analyses of child deaths in the UK will not have the capacity to analyse the role physical punishment has played in these deaths.

Why is physical punishment never mentioned? Some might argue that it is “not a factor” in child maltreatment deaths and injuries. This is manifestly absurd - for example, already in 2013 there has been substantial media coverage in the case of Yaseen Ali, the seven year-old beaten to death by his mother because he was not able to memorise the Koran. The [serious case review](#) on Yaseen Ali noted:

“A teacher noticed an injury to Yaseen’s hand that was a result of physical chastisement at home and although this was brought to the attention of the senior member of staff with designated responsibility for safeguarding it was never reported to children’s services or to the police. This prevented enquiries being undertaken regarding the circumstances of the children and reflected the extent to which the focus throughout all the events was on mother and her views with too little attention given to the needs and experience of the children.”

However, although there are recommendations directed at improving school safeguarding procedures, the issue of the legal and cultural acceptability of physical punishment is not addressed in the review.

It may also be argued that the “mild” common assaults that are permitted under section 58 of the Children Act 2004 have nothing to do with the extreme assaults that kill and maim children, so banning smacking has no relevance to protecting children from death or serious injury.

This view is not born out by research. Aside from some quick surveys by the NSPCC and CAU!, the part physical punishment plays in serious child abuse has not been studied in the UK but across the Atlantic there is more substantial research. For example, a study of 830 substantiated physical abuse cases in the US in the 1980s concluded that “almost invariably” parents defined their actions as “disciplinary procedures that were required in response to the child’s behaviour” and three large Canadian studies of reported child abuse in the last decade have consistently found that around 75% of substantiated physical abuse of children “occurred during episodes of physical punishment” ([the most recent](#) published at the end of 2012).

Because smacking is ineffective in changing children’s behaviour it carries an inbuilt danger of escalating to severe abuse, particularly with parents under stress. Studies include a [Canadian study in 2000](#) which found that children who were “spanked” by their parents were at seven times greater risk of being severely assaulted (such as being punched or kicked) than children who were not physically punished, and a [US study in 2006](#) found that infants in their first year of life who had been smacked by their parents in the previous month were twice as likely to suffer an injury requiring medical attention as infants who had not been smacked.

Interestingly, the biennial report on serious case reviews does discuss why they rarely address the relevance of current resource constraints:

“It was notable that resource issues were rarely mentioned in any of these reviews. This seems surprising in a time of austerity and widespread cuts in welfare budgets. It is possible that both the professionals involved and those conducting the serious case review are blind to the impact of resource, staffing and finance on working practices, that they accept this as the status quo and an issue that cannot be changed, or that, in the absence of a direct link with the outcomes, they do not make a connection between the two. Another interpretation is that those conducting the review judge it to be politically unacceptable and unwise to mention resource constraints... “(page 81)

Substitute the issue of the legal assault of children for the issue of resources and this passage would make equal sense.

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And finally...

We were startled in November to read news headlines in The Telegraph, Sun, Mirror, Mail and Daily Express claiming “**SMACKING CAUSES CANCER.**”

The reports arose from a study by Plymouth University published in the Journal of Behavioural Medicine. It took the NHS newsletter [Choices](#) to point out many flaws in the reporting of this study, including that:

- the study involved childhood experiences of 250 adults in Saudi Arabia, a culture so different from ours that it is likely to include many different confounding features;
- the participants’ experiences included regular beatings that would constitute harsh child abuse in the UK and “verbal insults”, so the study is not confined to smacking.
- self-reporting is not a reliable measure for early childhood experiences.
- the sample was too small to allow reliable conclusions.

However, Choices noted without challenge the authors’ claim that there has been no other research into the effects of physical punishment on adult physical health. This is incorrect: for example, see page 13 of the [Global Initiative newsletter No 21](#) for details of large-scale carefully controlled research that strongly suggest that children experiencing physical punishment (including mild forms of physical punishment) are more likely to experience health and mental health problems in later life.

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