

Ending Physical Punishment in Wales

Information for the childcare and playwork sector workforce



Llywodraeth Cymru
Welsh Government

21 March 2022 is a historic moment for children and their rights in Wales. From this day on, physically punishing children will be **illegal** in Wales.

This change is being brought about by the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (the Act).

If you work with children in the childcare and playwork sector including day care, childminding, sessional care, crèches, out of school/holiday provision, staffed playwork provision and Flying Start provision or if you are a Nanny, here's what you need to know about the change in law.

What is physical punishment?

There are lots of types of physical punishment. It can mean smacking, hitting, slapping and shaking.

But there are other types too.

It isn't possible to give a set list of what makes up physical punishment because it can be anything where a child is punished using physical force.

What's changing?

From 21 March 2022, no one in Wales will be able to use the defence of reasonable punishment as a defence to common assault. All physical punishment will be illegal in Wales.

Will the change in law apply to everybody in Wales?

Yes, it will apply to everyone - parents or anyone who is responsible for a child while the child's parents are absent.

And as with other laws, it will apply to visitors to Wales too.



Why is the change in law important?

The overarching objective of the Act is to protect children's rights by prohibiting physical punishment of children. It will give children the same protection from assault as adults, and make the law clearer so it is easier for children, parents, professionals and the public to understand.

The intended effect, combined with an awareness-raising campaign and support for parents, is to bring about a further reduction in the use and tolerance of the physical punishment of children in Wales. This is important because research suggests that any type of physical punishment could be harmful to children.

What happens if people use physical punishment after the law changes on 21 March 2022?

They will be breaking the law. Across Wales advice and support will be available to encourage people to stop using physical punishment and find positive ways to manage children's behaviour.

The change in law is not intended to prevent parents from disciplining their children. However, if they physically punish a child in their care they could be charged with common assault. They may get a criminal record which is the same for any criminal offence.

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Ending Physical
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What does this mean for my sector?

The National Minimum Standards for Regulated Childcare for children up to the age of 12 years places a responsibility on the registered person to ensure that physical punishments, or the threat of them, are never used.

There are also clear expectations in the standards in relation to child protection and safeguarding. All services, including unregistered services, have safeguarding responsibilities towards children in their care.

You should continue to refer to the Wales Safeguarding Procedures and its practice guides when dealing with incidents of physical punishment. A practice guide in relation to the Act to provide guidance in relation to this law change is being developed.

Across all sectors, removing the defence of reasonable punishment will mean that practitioners will be able to provide clear, unambiguous advice to parents and carers that any level of physical punishment is illegal in Wales.



What happens next?

Ahead of the law changing on 21 March 2022, the Welsh Government is working with key stakeholders to ensure the new law will be implemented in the best way possible. Your sector is represented in the implementation work by Mudiad Meithrin and Early Years Wales.

This work includes looking at processes, guidance and training which may need to be reviewed or put in place following the change in law. The key output from this work is the development of the practice guide to sit alongside the Wales Safeguarding Procedures.

In cases where the police decide further action is required following a report of an assault on a child, there will be an option of a rehabilitative alternative to prosecution alongside an out of court disposal. If the police decide it is appropriate to offer an out of court disposal, there will be an option of tailored parenting support to encourage positive parenting techniques and help avoid re-offending. This additional support will be delivered by local authorities.

It is important that you continue to keep up to date with the childcare sector's updates to guidance and training including the Wales Safeguarding Procedure and its practice guides in the run up to the change in law on 21 March 2022.



Where can I find out more?

General information about ending physical punishment can be found at:
gov.wales/EndPhysicalPunishment

The *Parenting. Give it time* campaign provides positive parenting tips and information:
gov.wales/giveittime

Wales Safeguarding Procedures:
safeguarding.wales

Wales Safeguarding Procedures (Practice Guides):
safeguarding.wales/chi/index.c6.html

National Minimum Standards for Regulated Childcare for children up to the age of 12 years:
gov.wales/sites/default/files/publications/2019-06/national-minimum-standards-for-regulated-childcare.pdf

Implementation task and finish groups:
gov.wales/children-abolition-defence-reasonable-punishment-wales-act-2020-implementation-groups

**Times have changed. Attitudes have changed.
There is no place for physical punishment in a modern Wales.**