

Ensuring children's wellbeing by ending the physical punishment of children

Children's Wellbeing and Schools Bill - Briefing for Committee Stage in House of Lords

In 2025, it cannot be right that children, the youngest and most vulnerable group in society, are the least protected from physical assault.

Leading organisations working in child health, child protection and safeguarding, human rights, mental health, youth advocacy, social care and more have jointly developed this briefing for parliamentarians to support our shared call to remove the "reasonable punishment" defence from law in England.

We call on peers to support our campaign to give children in England equal protection from assault as part of the Children's Wellbeing and Schools Bill.

Key messages

- Evidence shows that the physical punishment of children is harmful.
- Despite this, physical punishment remains lawful by virtue of the 'reasonable punishment' defence – an exception to the law of assault. This leaves children with less protection from assault than adults.
- The law as it stands is unclear and open to interpretation, making it harder to safeguard children.
- To achieve its intention to 'make provision about the safeguarding and welfare of children', MPs sought to amend the Children's Wellbeing and Schools Bill to remove the 'reasonable punishment' defence during the Commons stage and we are now encouraging peers to support an amendment to the Bill in the Lords.
- This would give children equal protection from assault, to protect them from harm and to promote their health and wellbeing.
- To achieve its intention to 'make provision about the safeguarding and welfare of children' peers have sought to amend the Children's Wellbeing and Schools Bill to remove the 'reasonable punishment' defence and we are now encouraging wider peer support for the amendment at Committee Stage.

How physical punishment affects children's health, wellbeing and safety

There is a wealth of evidence showing that physical punishment doesn't work in managing children's behaviour. Not only is it ineffective, but it can also have a significant negative impact on children's health and wellbeing.

A narrative review of almost seventy studies published in The Lancet in 2021 showed that physical punishment was linked with no positive outcomes for children¹. Rather, it was linked to increased child behaviour problems over time. This is further supported by a report published by RCPCH last year which showed that children who

¹ Heilmann, A. et al (2021). Available at: Heilmann et al 2021 Physical punishment and child outcomes The Lancet Accepted author manuscript.pdf

experience physical punishment are up to 2.6 times more likely to experience mental health problems and up to 2.3 times likely to go on to experience significant harm through more serious forms of physical abuse².

Prevalence

Yet, physical punishment is still a feature of childhood today. Data from the UK's 'Understanding Society' study showed that more than one in five 10-year-old children had experienced physical punishment in 2020/21³.

Contacts to the NSPCC's adult Helpline about physical punishment of children tripled in 2023/24⁴; and, in that same period, Childline dealt with over 700 contacts from children about physical punishment⁵.

The NSPCC's Helpline and Childline hear from children, parents, professionals and members of the public about physical punishment, often seeking advice about what to do, unclear about whether something they've seen or experienced is allowed.

"My parents have always hit me since I was little and I have never thought much of it because they said it's not illegal to hit your child as a way of teaching them not to do a wrong thing. But I do not think that at my age they should still be hitting me. It is not constant hitting but when it happens it really hurts and it comes as a last resort or out of anger." Girl aged 16, [Childline](#)

The current legal position

Despite evidence that physical punishment is harmful to children, and despite changing public attitudes, it is still lawful in England. The 'reasonable punishment' defence – a common law defence to battery of a child in England⁶ – means that something, which may otherwise constitute assault or battery, is permissible because it was done by an adult (parent or carer acting *in loco parentis*) to a child on the grounds of punishment.

In effect, this means that children have less protection from physical harm than everyone else in society. And there is no legal definition as to what is 'reasonable'. It is dependent on circumstance and open to interpretation. Where exactly do we draw the line between lawful punishment and unlawful abuse? The in-built ambiguity in the current law leaves children exposed to potential harm.

When a child has been subject to physical punishment, professionals can find it difficult to assess and respond to potential risk. Professor Andrew Rowland, Consultant Paediatrician and RCPCH Officer for Child Protection said:

"As a paediatrician working in child protection services, I am regularly faced with difficult situations where it is alleged that physical punishment has been used against a child. Yet the current legislation around smacking and physical punishment of children makes it a unique challenge for protective services to have conversations with families about how they can act in the best interests of their child, and what is acceptable with regard to treatment of children. The law must be changed to remove the reasonable punishment defence to give children the protection they need."

The risks inherent in physical punishment also arise in safeguarding practice reviews⁷, where the challenges faced by professionals in distinguishing between physical punishment and physical abuse, and the barrier this presents to child protection, are flagged.

The need for change

In 2025, it cannot be right that children, the youngest and most vulnerable group in society, are the least protected from physical assault.

The Children's Wellbeing and Schools Bill seeks to make provision of the safeguarding and welfare of children. In the spirit of this policy intention, it should be amended to repeal the 'reasonable punishment' defence. This would give children the same protection from assault as everyone else, and provide absolute clarity to parents,

² RCPCH (2024). Available at: [Equal protection from assault in England and Northern Ireland: Prohibiting physical punishment of all children](#) | RCPCH

³ UCL (2024). Available at: [ICLS Policy brief large print graph](#)

⁴ NSPCC (2024). Available at: [Over 300% increase in contacts to our Helpline about physical punishment against children](#) | NSPCC

⁵ NSPCC (2024). Available at: [Give children equal protection from physical abuse](#) | NSPCC

⁶ Confined to battery by section 58 of the Children Act 2004

⁷ See, for example, [2024WorcestershireAlfieCSPR.pdf](#) (p20) and [2023NorfolkChildAKCSPR.pdf](#) (p11)

to professionals seeking to support them and, crucially, to children themselves about how they can expect to be treated.

Scotland, Wales, Jersey and the Republic of Ireland have already repealed their equivalents of the ‘reasonable punishment’ defence; further afield physical punishment is no longer permissible in countries including Tajikistan, Zambia, South Korea and as of March 2025, Thailand. Such a change is long overdue in England. Failing to address this key wellbeing issue in a Bill focused on wellbeing will be a significant missed opportunity and will only serve to perpetuate inter-generational cycles of violence towards children which so desperately need to stop.

The UN Convention on the Rights of the Child (UNCRC) obliges states that have committed to the treaty – which includes the UK – to protect children from all forms of violence, including corporal punishment within the family. The UN Committee has repeatedly recommended that the UK repeals any defence that allows physical punishment within the family including the legal defence of ‘reasonable punishment’ in England and Northern Ireland.⁸

Support for change

There is widespread support for change. Polling commissioned by the NSPCC has found consistently in [2022](#), [2023](#) and [2024](#), that a majority of adults in England think the physical punishment of children is unacceptable.

[New polling](#) from NSPCC, has shown that the majority of safeguarding professionals, including social workers (90%), healthcare professionals (77%), teachers (75%) and the police (51%), think the law in England should be changed to end the physical punishment of children. Over half of social workers (68%) and teachers (52%) surveyed also said the law currently makes their work of safeguarding children more difficult.

The four Children’s Commissioners in the UK have also made a [joint statement](#) calling for equal protection for all children in the UK. Over 20 organisations across the children’s health, wellbeing, child’s rights, and family support services have also added their support to this call (see organisations listed below).

Commons stages and government position

An [amendment \(NC10\)](#), which would abolish the defence of reasonable punishment in for physical punishment of a child in England, was tabled by Jess Asato MP in the Commons. This amendment [was supported by 30 MPs](#) from across the political spectrum.

It was debated in the committee stage, led by Ellie Chowns MP led the debate on this during a [committee session on Thursday 6 February](#). Jess Asato MP, tabled the amendment again during report stage, and spoke to it on [Monday 17 March](#). The government’s responses have focused on its intention to review evidence from Wales on the impact of the law change that is anticipated later in 2025, points on the criminalisation of parents and the need to gather range of voices on the issue. In response, we highlight the following:

- On waiting to review evidence from Wales before proceeding, we reiterate the overwhelming evidence that already exists which supports this law change including as outlined in this [joint evidence submission from RCPCH, NSPCC and Barnardo’s](#).
- On the criminalisation of parents, we emphasise that the intent of this law change in England is **not** to seek prosecutions of parents. Nor have we seen evidence of significant prosecutions following similar changes in Scotland and Wales or internationally. Rather legal change is about behaviour and culture change, making clear violence should never be a part of childhood.
- On gathering a range of voices, we highlight the breadth of organisations who are on the record as supporting this law change.

Ultimately, it was encouraging that Ministers stated the government are open-minded on this issue and we encourage the government to engage with the evidence that already exists as well as the range of voices who support the change.

⁸ UN Committee on the Rights of the Child (2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), para 31(a)

Support amendment to Children's Wellbeing and Schools Bill

We urge you to add your name to [the amendment tabled](#) by Baroness Finlay to abolish the common law defence of reasonable punishment through the Children's Wellbeing and Bill. You can read the amendment wording [here](#).

You can also contact public.affairs@rcpch.ac.uk to add your name to our MP and Peer supporter list. This will ensure you are kept informed of any campaign updates, provided materials to speak and information on how you can continue to support as the Children's Wellbeing and Schools Bill proceeds through parliament.

This briefing is supported by the following organisations:

Royal College of Paediatrics and Child Health	Children's Rights Alliance for England (Part of Just for Kids Law)
Barnardo's	Children and Young People's Mental Health Coalition
NSPCC	End Corporal Punishment
AFRUCA – Safeguarding Children	Faculty of Public Health
Alliance 4 Children	Humanists UK
Article 39	National Youth Advocacy Service
Association of Young People's Health	Royal College of General Practitioners
Association of Educational Psychologists	Royal College of Psychiatrists
British Association for Community Child Health	Social Work Union
British Association of Social Workers	The Children's Society
British Medical Association	UNICEF
Children's Alliance	
Children's Charities Coalition (Action for Children, Barnardo's, National Children's Bureau, NSPCC, The Children's Society)	

MPs who supported the amendment:

Tonia Antoniazzi	Neil Duncan-Jordan	Kim Johnson	Vikki Slade
Siân Berry	Sorcha-Lucy Eastwood	Mary Kelly Foy	Caroline Voaden
Ruth Cadbury	Maya Ellis	Laura Kyrke-Smith	Steve Witherden
Sarah Champion	Joshua Fenton-Glynn	Rachael Maskell	Ian Byrne
Ellie Chowns	Marie Goldman	Lola McEvoy	Carla Denyer
Daisy Cooper	Helen Hayes	Charlotte Nichols	Liz Jarvis
Pam Cox	Wera Hobhouse	Simon Opher	Marie Rimmer
Stella Creasy	Sharon Hodgson	Manuela Perteghella	
Emily Darlington	Alison Hume	David Simmonds	