

Amendment to the Domestic Abuse Bill



Protecting adults and children from violence

SWU welcomes the initiative of a cross-party group of Peers attempt recently to introduce a new clause to the Bill that would provide greater protection to children from violence in the home by repealing the legal defence of 'reasonable punishment'.

The Social Workers Union fully supports the aims of the Domestic Abuse Bill. We believe that all people, be they adults or children, should be protected from violence in any setting, including their home.

Current law on corporal punishment

Corporal punishment was banned in state schools in England in 1986, with a full ban in place in all schools in all parts of the UK by 2003. Restrictions on corporal punishment by a parent or caregiver were introduced in 2004, Section 58 of the Children Act. These mean that parents could be charged with common assault if a physical punishment causes bruises, grazes, scratches, minor swellings or cuts.

However, a defence of "reasonable punishment" is still available in the law and a parent or caregiver can smack or otherwise physically hurt a child within the law. Legal experts say that even when there is physical evidence of severe punishment it is almost impossible to prove that punishment is unreasonable. The legal test is whether the parents' intent was reasonable, rather than the actual harm caused, and it is difficult to obtain evidence given that the violence happens behind closed doors.

England's law is behind the times. The UN Convention on the Rights of the Child, which was signed by the UK in 1990, requires the prohibition of all corporal punishment in all settings. Article 19 of the UNCRC requires states to take legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence. The UN Committee on the Rights of the child has affirmed that this includes protection from all forms of corporal punishment.

Sixty countries already have full bans, including Sweden, Ireland, Spain, Germany and Portugal. Scotland and Wales have both recently legislated to ban the physical punishment of children, and the Northern Ireland Assembly is considering the same issue. This means that England's continued acceptance of the physical punishment of children is completely out of line with the good practice

demonstrated within other parts of the UK and many other countries; the physical punishment of children has been outlawed in the majority of OECD countries.

The case against physical punishment of children

Research shows that corporal punishment frequently leads to a lower quality of the parent and child relationship, poorer mental health in childhood and adulthood, higher levels of aggression and anti-social behaviour and an increased risk of being a victim of physical abuse. It can be a contributory factor to the overall levels of ongoing stress felt by children which is now being recognised as part of research into the impact of ACEs (Adverse Childhood Experiences) on children's later development.

The Social Workers Union strongly believes that smacking is harmful to a child's mental health. It models aggressive behaviour and communicates to children that it is acceptable to use violence as a means of expression. There are many other more effective ways of teaching children right from wrong than by hitting them. Force escalation is a key issue. Research shows that when force is used there are changes in brain activity that led to an escalation in the degree of force used. In a survey of parents, 2 in 5 admitted to using a different degree of force than intended.

Where is the evidence?

A recent major review of the evidence on physical punishment was carried out by Barnardo's, the NSPCC and other organisations. It concluded:

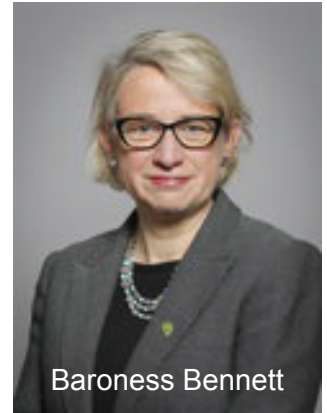
"There is strong and consistent evidence from good-quality research that physical punishment is associated with increased childhood aggression and antisocial behaviour. The multitude of these studies, which include observational, gene-environment and experimental designs, and the consistency of their findings suggest that these links are indeed causal. Several studies showed that the relationship between physical punishment and problem behaviour is reciprocal: physical punishment exacerbates existing problem behaviour, leading to a vicious circle of cascading conflict. In other words, parents who are using physical punishment in response to perceived problem behaviour are likely to make it worse. Moreover, there is consistent

evidence for a link between childhood physical punishment and adult aggression or antisocial behaviour, suggesting that the effects of increased aggression among children who were subjected to physical punishment carry over into adulthood.”

Speaking about the Amendment to the Domestic Abuse Bill to Baroness Bennett, John McGowan, General Secretary of Social Workers Union (SWU), said: *“Physical punishment has no place in the 21st century. The international evidence tells us that it can have serious impacts on children, and that it is not effective. SWU will be raising the issues of ‘smacking’ in partnership with the Association of Educational Psychologists as a motion at the forthcoming General Federation of Trade Unions Conference.”*

Speaking at the recent Lords debate Baroness Bennett said, *“I particularly thank the Social Workers Union, which has published an article doing that just today.”*

“I have a further ask of the Minister: will she agree to meet campaigners, fellow Peers and me to examine the evidence and discuss ways forward or, if it is more appropriate, to approach the relevant Minister on our behalf to arrange such a meeting? In the meantime, I beg to move.”



Baroness Bennett