



Live Fear Free Helpline

Providing confidential support and information on domestic abuse, sexual violence and violence against women in Wales

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Llinell Gymorth Byw Heb Ofn

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Cymorth i Ferched Cymru
Welsh Women's Aid

Rhoi Merched a Phlant yn Gyntaf
Putting Women & Children First

Consultation on the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

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These are the views of:	<i>Welsh Women's Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i>

About Welsh Women's Aid

Having just celebrated our fortieth year Welsh Women's Aid has been the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse and sexual violence (VAWDASV) specialist services in Wales (comprising our membership of specialist services and members of the regional VAWDASV Specialist Services Providers Forums).ⁱ These services deliver life-saving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence, as part of a network of UK provision. We also work for and with those with lived experience of these forms of abuse, considering the effects of multiple and intersecting disadvantage through a human rights based approach.

As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales; we provide advice, consultancy, support and training to deliver policy and service improvements across government, public, private and third sector services and in communities, for the benefit of survivors.

We also deliver direct services including, for example, the Welsh Government funded Live Fear Free Helpline and a National Training Service partnership. We are piloting the Survivors Empowering and Educating Services (SEEdS) project, which is empowering survivors of violence and abuse to collectively influence and inform improvements in public services and commissioning frameworks, and help change attitudes.

We deliver the Wales National Quality Service Standards, a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>)

We work with children and young people as survivors of violence against women, including domestic abuse and sexual violence, but also in an educational and awareness raising context. We aim to make sure that all children and young people understand these types of abuse and the help available, and that those affected are identified, supported and protected, have access to high-quality specialist services in every area, and are supported to recover from the abuse to develop their full potential. We do this by promoting education and community approaches to prevention and early intervention,

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challenging inequality between girls and boys, improving safety and minimising the immediate and future impact on children and young people experiencing violence and abuse.

1. The Bill's general principles

1.1 Do you support the principles of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill?

Yes. Welsh Women's Aid is a longstanding member of the Children Are Unbeatable Alliance. When Welsh Women's Aid asked our 22 members (independent specialist VAWDASV services across Wales) and survivors whether they thought the legislative proposal to remove the defence of reasonable punishment and prevent use of corporal punishment would help with the stated policy aim of protecting children's rights, responses were 100% positive. For example, a specialist service stated:

"Children do not need to be hit or physically punished. We have laws which protect adults from this so why are children treated differently?"

Therefore, Welsh Women's Aid supports the principles outlined in the Bill.

1.2 Please outline your reasons for your answer to 1.1

Welsh Women's Aid's (WWA) mission is 'to prevent domestic abuse and violence against women', this includes domestic abuse suffered by children and young people, both directly and indirectly, or within their own intimate relationships, and violence against girls. WWA does not condone the use of any violence within the home or between family members, including against children for 'discipline'.

Any kind of violence or abuse in the home can significantly affect a child's well-being and access to their rights. The Well-being of Future Generations (Wales) Act 2015¹ demonstrates the Welsh Government's recognition that physical and mental well-being can affect future choices and behaviours. This is supported by the recent Welsh Adverse Childhood Experiences (ACE) study², which highlights alcohol use, drug use, violence, sexual behaviour, incarceration, smoking and a poor diet as experiences that can contribute to negative well-being and attainment into adulthood. Links should be made with these portfolio areas to reinforce the Welsh Government's joined up response to these issues.

Around 1 in 5 children have been exposed to domestic abuse in the home³, therefore the increased connection between Welsh Government policies around ending violence against women, domestic abuse and sexual violence (VAWDASV) and the removal of the defence of reasonable punishment need to be made and incorporated into the supportive campaign to ensure all messaging is aligned.

¹ Well-being of Future Generations (Wales) Act. *Welsh Government 2015*

² 'Welsh Adverse Childhood Experiences (ACE) Study: Adverse Childhood Experience and their impact on health-harming behaviours in the Welsh adult population', *Public Health Wales NHS Trust, 2015.*

³ Radford, L et al (2011) Child Abuse and Neglect in the UK today. NSPCC





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Welsh Women's Aid understands that all physical chastisement carries the risk of escalating into serious assault⁴. This is largely due to the fact that this form of discipline is ineffective and therefore can lead to increased severity⁵. Violence directed towards a child from a parent as punishment is often delivered in anger and frustration, as opposed to being a controlled parenting practice⁶. Furthermore, deliberately hurting children as punishment is the only form of inter-personal violence that remains legal.

As mentioned above, Welsh Women's Aid has been a longstanding member of the Children are Unbeatable Alliance and have been campaigning alongside the Children's sector for a number of years to see this change in the law.

1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?

Yes. Violence against women and girls is a cause and consequence of gender inequality⁷. Children and young people identify gender roles and stereotypes first and foremost from the structure within the family home, therefore challenging the endorsement of negative masculine and feminine ideals further reinforces the importance of this legislative proposal.

Empowering children and young people to understand they have the right not to be physically abused is another important factor to consider here. Enforcing this message within a legal framework will enable children to have a clearer indication of their rights and of the physical protection of their own personhood even in the family home. It will also contribute to a wider acknowledgement and understanding of domestic abuse, which links to the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015⁸, as well as supporting the Well-Being of Future Generations (Wales) Act 2015⁹.

2. The Bill's implementation

2.1 Do you have any comments about any potential barrier to implementing the Bill?

Public awareness and perception could be potential barriers to successful implementation of the legislation, however this will hopefully be addressed within the provision of the existing parenting support and information campaign planned. There is demand and a need for a more comprehensive approach in Wales, led by the Welsh Government in order to address the intersectionality between reasonable punishment and VAWDASV.

⁴ Equally Protected? A review of the evidence on the physical punishment of children, <https://www.nspcc.org.uk/globalassets/documents/research-reports/equally-protected.pdf>, NSPCC 2015.

⁵ International Experience of Introducing a 'smacking ban', <http://www.childrenareunbeatablecymru.org.uk/wp-content/uploads/2014/03/International-experience-of-prohibiting-smacking-17112013.pdf>, Children are Unbeatable 2013.

⁶ Robertson, L. Literature review on outcomes of parental discipline styles, evidence on effective parenting styles and the international experience of prohibition of physical punishment by law, <http://www.sccjr.ac.uk/wp-content/uploads/2017/08/Literature-review-on-outcomes-of-parental-discipline-styles.pdf>, University of Glasgow, 2017.

⁷ Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act, <http://livefearfree.gov.wales/policies-and-guidance/vawdasv-wales-act-2015?lang=en>, Welsh Women's Aid 2016

⁸ Ibid.

⁹ Well-being of Future Generations (Wales) Act. Welsh Government 2015



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The value of providing children and young people with adequate access to healthy relationships education has been supported by the publication of ‘Estyn: A review of healthy relationships education’¹⁰ and the ‘Good Practice Guide: A Whole Education Approach to ending Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) in Wales’¹¹, however further support needs to be given to students in schools who may be experiencing domestic abuse or are feeling unsafe in the home.

Teachers should have adequate training to ensure they identify and challenge violent behaviour in a way that supports the new legal framework and therefore adopts a “zero tolerance” approach to bullying or any kind of physical abuse. This approach must clearly identify the differences between reasonable and unreasonable chastisement of children by parents.

Attitudes of parents and children around reasonable punishment and VAWDASV can be challenged by using social media and television to advertise and discuss these themes, to work towards a shift in culture.

Training and education should also go beyond parents and the classroom. The family court and CAFCASS Cymru should recognise physical chastisement as assault, especially where there is an identified history of domestic abuse in the home. Perpetrator programmes for domestic abuse need to address the impact of reasonable punishment within the home and the use of violence as a currency or discipline or frustration within the legal framework.

In order to promote healthy relationships and address the use of violence for punishment, the Bill should coincide with a recognition and commitment to increase funding for VAWDASV children and young people Specialist Service Workers throughout Wales to manage increased education, awareness and referrals. This also aligns with the Welsh Government’s commitment to compulsory Relationships and Sexuality Education in schools.

Lastly it should be acknowledged in the Bill’s guidance that coercive control can be central to a child’s experience of violence in the family home and therefore recognising and identifying this as a form of domestic abuse is pivotal to protecting their rights.

2.2 Do you think the Bill take account of these potential barriers?

No. The Bill needs to go further to ensure intersectionality between the Bill, the ACEs agenda, the VAWDASV (Wales) Act¹² and the Well-Being of Future Generations Act¹³. The parental support campaign also needs to be extended to encompass teachers, family courts and domestic abuse perpetrator programmes, as identified above.

¹⁰ Estyn: A review of healthy relationships education, <https://www.estyn.gov.wales/thematic-reports/review-healthy-relationships-education>

¹¹ Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales, https://www.cardiff.ac.uk/_data/assets/pdf_file/0007/522394/A-Whole-Education-Approach-to-Violence-Against-Women,-Domestic-Abuse-and-Sexual-Violence-in-Wales.pdf.

¹² Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act, <http://livefearfree.gov.wales/policies-and-guidance/vawdasv-wales-act-2015?lang=en>, *Welsh Women’s Aid 2016*

¹³ Well-being of Future Generations (Wales) Act. *Welsh Government 2015*



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5. Other considerations

5.1 Do you have any other points you wish to raise about this Bill?

Welsh Women's Aid welcomes Welsh Government's commitment to sending the clearest message that physical punishment of children is not acceptable. We recognise that inflicting physical punishment on a child does not equip them with the skills they need to understand their own emotions or behaviour in a positive, productive way. We are also aware of the need for a legal framework to set the cultural and social standards of acceptance, which will enable children and young people to recognise abuses like VAWDASV earlier in their relationships and adult life.

We applaud the Welsh Government's commitment to protect children through this innovative and ground-breaking new legislation, and are committed to supporting its successful implementation, where possible, when it is passed.

Welsh Women's Aid is also available to provide further written and oral evidence around this issue if required.

Any comments or questions regarding our response can be directed to:

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ⁱ Our membership of third sector violence against women, domestic abuse and sexual violence specialist services in Wales, with whom we have national partnership agreements to ensure our work is coordinated and integrated includes: Aberconwy DAS, Atal y Fro, Bangor and District Women's Aid, Clwyd Alyn Housing Association (CAHA) Women's Aid, Stepping Stones, Safer Merthyr Tydfil, Carmarthen Domestic Abuse Service, Calan DVS, Cardiff Women's Aid, Cyfannol Women's Aid, Domestic Abuse Safety Unit (DASU), Gorwel (Grwp Cynefin), Montgomeryshire Family Crisis Centre, Newport Women's Aid, North Denbighshire Domestic Abuse Service, Port Talbot & Afan Women's Aid, RCT Women's Aid, Safer Wales (including Dyn Project), Swansea Women's Aid, Threshold, West Wales Domestic Abuse Service and Rape and Sexual Abuse Support Centre (RASASC) North Wales.

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