



Live Fear Free Helpline

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

0808 80 10 800

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Legislative proposal to remove the defence of reasonable punishment

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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

Welsh Women's Aid is the umbrella membership organisation in Wales that supports and provides national representation for 24 independent third sector violence against women, domestic abuse and sexual violence (VAWDASV) specialist services in Wales (our membership of specialist services).¹ 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.

As an umbrella organisation, our primary purpose is to prevent domestic abuse 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. This includes advising and supporting commissioners and strategic leads in their development of VAWDASV needs assessments and strategic plans, promoting evidence for innovative new service models, and supporting research into the prevention of abuse.

Some of the many services we deliver for members include facilitating the involvement of member services in relevant policy, legislative and strategy developments and encouraging co-production in service development; providing advice and information on the development and delivery of promising practice in the sector; providing support with policy and practice matters, and regional and national data analysis reports to support local needs assessments, strategy and commissioning developments.

We deliver direct services including the Welsh Government funded Live Fear Free Helpline; a National Training Service; the national Children Matter programme of work which, for example, supports local services to help children and young people affected by abuse and to deliver preventative Safety, Trust and Respect (STAR) programmes across Wales, and refuge and advocacy services in Colwyn Bay and Wrexham. We are piloting the Survivors Empowering and Educating Services (SEEds) project, which is

¹ Our membership of 24 third sector VAWDASV specialist services in Wales, with whom we have national partnership agreements to ensure our work is coordinated and integrated: *Aberconwy DAS, Atal y Fro, Bangor and District Women's Aid,, Clwyd Alyn Housing Association (CAHA) Women's Aid, Carmarthen Domestic Abuse Service, Calan DVS, Cardiff Women's Aid, Cyfannol Women's Aid, Domestic Abuse Safety Unit (DASU), Glyndwr Women's Aid, Gorwel (Grwp Cynefin), Montgomeryshire Family Crisis Centre, New Pathways, Newport Women's Aid, North Denbighshire Domestic Abuse Service, Port Talbot & Afan Women's Aid, RCT Women's Aid, Rape and Sexual Abuse Support Centre (North Wales), Safer Merthyr Tydfil, Safer Wales (including Dyn Project), Stepping Stones, Swansea Women's Aid, Threshold (formerly Llanelli Women's Aid), West Wales Domestic Abuse Service.*



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empowering survivors of violence and abuse to collectively influence and inform services and commissioning frameworks, and help change public and community attitudes.

We also 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/>)

Welsh Women's Aid's response

As the umbrella organisation for violence against women, domestic abuse and sexual violence services in Wales, our response is based on consultation with our membership of specialist services and reflects experiences across all regions. Additionally, we consult with survivors of abuse through Welsh Women's Aid's SEEdS project (Survivors Empowering and Educating Services).

Welsh Women's Aid response relates predominantly to the protection of children against any and all forms of violence in the home and the reinforcement of good practice and guidelines for parents in order to raise awareness of violence against women, domestic abuse and sexual violence (VAWDASV).

Question 1:

1. Do you think our legislative proposal to remove the defence of reasonable punishment and prevent use of corporal punishment will help achieve our stated policy aim of protecting children's rights?

1.1 When Welsh Women's Aid asked members and survivors whether they thought the legislative proposal to remove the defence of reasonable punishment and prevent use of corporal punishment will 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?"

1.2 Welsh Women's Aid's 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. Around 1 in 5 children have been exposed to domestic abuse². 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 2015³ 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) study⁴, 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.

² Radford, L et al (2011) Child Abuse and Neglect in the UK today. NSPCC

³ Well-being of Future Generations (Wales) Act. Welsh Government 2015

⁴ '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.





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1.3 Welsh Women’s Aid understands that all physical chastisement carries the risk of escalating into serious assault⁵. This is largely due to the fact that this form of discipline is ineffective and therefore can lead to increased severity⁶. Violence directed towards a child from a parent as punishment is often delivered in anger and frustration, as opposed to being a controlled parenting practice⁷. Furthermore, deliberately hurting children as punishment is the only form of inter-personal violence that remains legal.

1.4 Violence against women and girls is a cause and consequence of gender inequality⁸. 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.

1.5 Empowering children and young people to understand they have the right not to be physically abused is another factor to consider. One respondent stated; “*This proposal should send a strong message that violence from one human being to another is not acceptable*”. 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 (2015) Act⁹, as well as supporting the Well-Being of Future Generations Act¹⁰.

Question 2:

2. In addition to our existing parenting support and information campaign are there any other support mechanisms you think we should put in place to support parents, carers and guardians?

2.1 Yes, even though the existing parenting support and information campaign received positive feedback from survivors and members, there is demand and a need for a more comprehensive approach in Wales in order to address the intersectionality between reasonable punishment and VAWDASV.

2.2 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 education¹¹ and the Good Practice Guide: A Whole Education Approach to Violence against Women,

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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

⁹ 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

¹⁰ Well-being of Future Generations (Wales) Act. Welsh Government 2015

¹¹ Estyn: A review of healthy relationships education, <https://www.estyn.gov.wales/thematic-reports/review-healthy-relationships-education>





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Domestic Abuse and Sexual Violence (VAWDASV) in Wales¹², however further support needs to be given to students in schools who may be experiencing domestic abuse or are feeling unsafe in the home. One respondent noted, *“This issue needs to be addressed in schools to allow children to disclose and then there needs to be support services to deal with disclosures.”*

2.4 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.

2.5 Attitudes of parents and children around reasonable punishment and VAWDASV can be challenged by using social media and television to advertise and discuss the Adverse Childhood Experiences Study (ACES) to work towards a shift in culture.

2.6 Training and education needs to go beyond parents and the classroom. The family court and CAF/CASS need to recognise physical chastisement as assault, especially where there is an identified history of domestic abuse in the home. As one respondent noted, *“My children experienced me, their mum, being physically assaulted by their dad and their dad was ‘rough’ with them. They now have court ordered contact with him and he still physically chastises them or threatens to. When they are with him they fear his violence. This is not OK.”*

Survivors stated that the lack of understanding of domestic abuse and its impact on the non-abusive parent or the children can be significantly detrimental when survivors and their families need to access help and support during the court process. If adequate training is not provided to the family courts and CAF/CASS this could further harm mothers who may be criminalised due to their use of physical chastisement within a highly stressful environment where violence is desensitised.

2.7 Perpetrator programmes 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.

2.8 Lastly it needs to be acknowledged 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.

Further Comments:

3.1 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 reasonable 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.

¹² 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.



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Cymorth i Ferched Cymru
Welsh Women's Aid

Rhoi Merched a Phlant yn Gyntaf
Putting Women & Children First

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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