

Corporal punishment of children in the United Kingdom

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Child population 13,715,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal
Punishment of Children**

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is prohibited in all settings in Scotland and Wales. Prohibition is still to be achieved in the home, some alternative care settings, day care and penal institutions in England and Northern Ireland.

Legal defences for the use of corporal punishment are found in section 58 of the Children Act 2004 in England and article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006. These provisions must be explicitly repealed and prohibition enacted of all corporal punishment and other cruel or degrading forms of punishment, in the home and all other settings where adults have authority over children.

Alternative care settings – Corporal punishment is prohibited by law in residential care institutions and in foster care arranged by local authorities and by voluntary organisations. Prohibition should now be enacted in relation to private foster care.

Day care – Corporal punishment is prohibited by law in day care institutions and childminding in England, Wales and Scotland. Legislation should be adopted prohibiting corporal punishment in institutions and childminding in Northern Ireland.

Schools – Corporal punishment is prohibited in all state and private schools, but it has yet to be enacted in relation to some unregistered independent settings providing part-time education.

Penal institutions – While corporal punishment is regarded as unlawful, the use of force (in the guise of physical restraint) is lawful in maintaining order and discipline in secure training centres. The Rules authorising this should be repealed.

Note: The UK comprises England, Wales, Scotland and Northern Ireland, each of which has certain law-making powers under the terms of devolution, though the UK Parliament (“Westminster”) remains sovereign and retains the right to legislate on all matters. The following report describes the legality and practice of corporal punishment in England, Wales, Scotland and Northern Ireland.

In addition, the UK has a number of overseas territories etc:

Overseas Territories. The Overseas Territories are not part of the UK; they are constitutionally separate with distinct legal systems, though the UK is generally responsible for defence, security, international relations, good governance and citizen wellbeing. The Queen is the Queen of all the Overseas Territories. See separate reports for Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St Helena and Dependencies, and Turks and Caicos Islands.

Crown Dependencies. The Crown Dependencies are not part of the UK; they are self-governing dependences of the Crown and have their own legal systems. The Queen is the head of state of each island and the Crown exercises its responsibilities for the Dependencies through the Privy Council. See separate country reports for Jersey, Guernsey and Isle of Man.

Current legality of corporal punishment

Home

Corporal punishment is lawful in the home, except in Scotland where it was prohibited in 2019 by the Children (Equal Protection from Assault) (Scotland) Act and in Wales where it was prohibited in 2020 by the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act (see below). In England, section 58 of the Children Act 2004 provides for “reasonable punishment” of children. In Northern Ireland, article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 provides for “reasonable punishment”.

In rejecting the recommendations of the Universal Periodic Review in 2008, the Government stated that it sees no need for law reform since it believes the current law is working well, parents should be allowed to discipline children and surveys show that the use of corporal punishment in childrearing has declined.¹ Following its second Universal Periodic Review in 2012, the Government again rejected recommendations to prohibit corporal punishment, defending its legality in the home and stating that it did not consider that this constituted a breach of the UN Convention on the Rights of the Child.² Reporting to the Committee on the Rights of the Child in 2014, the Government stated that it “does not condone any violence towards children” but also that “our view is that a mild smack does not constitute violence”.³ A similar statement was made to the Committee on Economic, Social and Cultural Rights in 2014⁴ and to the Human Rights Committee in 2015.⁵ In 2017, the Government rejected seven recommendations on corporal punishment it had received during its Universal Periodic Review, referring to the same argument.⁶ In October 2018, a member of Government declared that “the UK opposes all corporal punishment and any other forms of cruel, inhumane or

¹ 23 May 2008, A/HRC/8/25, Report of the working group, para. 25

² 25 August 2008, A/HRC/21/9/Add.1, Report of the working group: Addendum, annex

³ [2014], CRC/C/GBR/5, Fifth state party report, para. 12

⁴ 25 September 2014, E/C.12/GBR/6, Sixth report, para. 41

⁵ [n.d.], CCPR/C/GBR/Q/7/Add.1, Advance Unedited Version, Reply to list of issues, para. 161

⁶ 29 August 2017, Annex to the response to the UPR recommendations received on 4 May 2017

degrading treatment, in any circumstances, anywhere around the world”, in relation to the caning of two Malaysian women in a same-sex relationship.⁷

However, changes in the charging standards introduced in 2011 by the Crown Prosecution Service (CPS) have meant that between 2011 and May 2018 in England and Wales the law allowed parents to raise the defence of “reasonable punishment” for bruises, cuts or weals (under section 58 of the Children Act 2004), and not only for a “mild smack”. Section 58 was originally introduced to remedy *A v UK*, the 1998 European Court of Human Rights decision which found the UK in breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms after a man was acquitted for caning his stepson, causing bruising and weals. The reformed law provided that parents and others acting in *loco parentis* could only raise the defence of “reasonable punishment” in cases of common assaults on children. The pre-2011 CPS charging standards specifically advised that where the victim was a child or a vulnerable adult the threshold for defining common assault would be changed, so that “other than reddening of the skin, the charge will normally be assault occasioning actual bodily harm [ABH].” But in 2011, without any publicity, the CPS altered its charging standard on common assault, removing “reddening the skin” as the upper threshold for a charge of common assault on a child and reverting to a threshold of “serious” injuries.⁸ After holding a consultation in 2017, the CPS again amended the Charging Standard, which now states “unless the injury is transient and trifling and amounted to no more than temporary reddening of the skin, a charge of ABH [assault occasioning actual bodily harm], for which the defence does not apply, should be preferred.” Once the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act comes into force in 2022, section 58 of the Children Act 2004 will only apply in England.

The UK’s 2017 report to the Committee on the Elimination of Discrimination Against Women declares that “violence towards children is not condoned” but then highlights that “the “reasonable chastisement” defence is only available when the charge is one of *common assault*” (emphasis added).⁹ The Government later stated that it “should not interfere in how parents bring up their children as long as the child is not at risk of abuse”.¹⁰ Consultations on the Domestic Violence and Abuse Bill were conducted in spring 2018 but the Committee report published in October 2018 did not consider the issue of corporal punishment of children.¹¹ In response to a question from the Shadow Minister for Children, the Government stated in February 2020 that it had no plans to bring legislation to prohibit corporal punishment as it did not wish to “interfere in how loving families bring up their children” and legislation already bans the “beating of children by their parents”.¹²

Corporal punishment of children is prohibited in Scotland under the Children (Equal Protection from Assault) (Scotland) Act, which was adopted in October 2019 to repeal section 51 of the Criminal Justice (Scotland) Act 2003 which had provided for ‘justifiable assault’ and abolish the common law defence of ‘reasonable chastisement’. The Act also puts a duty on Scottish Ministers to take measures to raise public awareness and understanding around the effects of the new legislation. The ban came into force on 7 November 2020.

⁷ See <https://www.pinknews.co.uk/2018/10/01/uk-government-caning-lesbian-couple-malaysia/>, accessed 16 October 2018

⁸ See the CPS’ website, http://www.cps.gov.uk/legal/l_to_o/offences_against_the_person/

⁹ 18 December 2017, CEDAW/C/GBR/8, Eighth report, para. 179

¹⁰ 16 November 2018, CEDAW/C/GBR/Q/8/Add.1, Reply to list of issues, para. 69

¹¹ See full report at <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2017/domestic-abuse-report-publication-17-19/>, accessed 31 October 2018

¹² See the UK Parliament’s website, <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2020-02-04/12407/>, last accessed 12 March 2020

Corporal punishment is also prohibited in Wales under the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act, adopted in January 2020. The Act repeals the common law defence of ‘reasonable punishment’ and states that “corporal punishment of a child taking place in Wales cannot be justified in any civil or criminal proceedings on the ground that it constituted reasonable punishment.” It amends section 58 of the Children Act 2004, which provides for “reasonable punishment” of children, to only apply in England. Under the Act, the Welsh Government has a duty to promote public awareness and to report on the effects of the ban three and five years after it comes into force. The Act received Royal Assent on 20 March 2020, with the ban to come into force two years later.

Alternative care settings

Corporal punishment is prohibited by regulation in residential care institutions throughout the UK (Children’s Homes Regulation Act 2001; Residential Establishments Child Care (Scotland) Regulations 1996). Residential care workers have been prohibited from smacking since 1991 (Children’s Homes Regulations 1991, SI 1991/1506, reg. 8). It is prohibited in foster care arranged by local authorities or voluntary organisations but is lawful in private foster care. It is prohibited in all alternative care settings in Scotland and Wales (see under “Home”).

The Government recognised in May 2018 that nurses and staff acting in loco parentis in health settings (including mental health inpatient units) would be able to invoke the “reasonable chastisement” defence as there is no legislation explicitly prohibiting it.¹³ Concerns have also been raised over the use of restraint in health institutions, including in Assessment and Treatment Units (ATUs). As of September 2018, 230 children, including children with autism or learning disabilities, were being cared for in ATUs, where practices such as segregation and seclusion in padded cells and face-down restraints are still common.¹⁴ A review has been called by the Health Secretary.

Day care

Corporal punishment is prohibited in day care institutions and childminding by regulations issued in 2002 for Wales and Scotland and in 2003 for England (Day Care and Child Minding (National Standards) (England) Regulations 2003, SI 2003/1996). Guidance states that physical punishment should not be used in day care institutions and childminding in Northern Ireland, but there is no explicit prohibition in law.

Schools

Corporal punishment was prohibited in all state-supported education in 1986. The prohibition was extended to cover private schools in England and Wales in 1998, in Scotland in 2000, and in Northern Ireland in 2003. But in 2014 the Government confirmed that legislation does not prohibit corporal

¹³ See Written Question No. 138474 to the Secretary of State for Education, <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-04-26/138474/>, accessed 27 June 2018

¹⁴ See <https://rightsinfo.org/minister-orders-urgent-investigation-into-autistic-and-learning-disabled-patients-being-locked-up/>, <https://rightsinfo.org/use-of-restraints-widespread-on-nhs-patients-with-learning-difficulties/> and <https://www.accessable.co.uk/articles/hancock-announces-seclusion-and-segregation-review-after-70-years-of-concerns>, accessed 13 November 2018

punishment in “unregistered independent settings providing part-time education”.¹⁵ The Government reported in 2017 that, with regard to “settings where children receive some form of education/training, but which are not ‘schools’”, a call for evidence on “a range of issues relating to such settings” had been conducted in 2015-2016.¹⁶ It is prohibited in all educational settings in Scotland and Wales (see under “Home”).

Penal institutions

Corporal punishment is regarded as unlawful as a disciplinary measure in penal institutions, but there is no explicit prohibition throughout the UK.

In secure training centres (privately-run centres for young offenders), the Secure Training Centre Rules 1998 (as amended in 2007) allow for the use of force (in the name of physical restraint) in maintaining order and discipline, including the infliction of physical pain (nose, rib and thumb “distractions”). The Rules were declared unlawful by the Court of Appeal in July 2008 but they have yet to be repealed. In 2018, the Ministry of Justice announced a review of the use of “pain-inducing restraint” in secure training centres and young offender institutions.¹⁷

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in criminal law.

Universal Periodic Review of the UK’s human rights record

The UK was examined in the first cycle of the Universal Periodic Review in 2008 (session 1). The following recommendations were made:¹⁸

“To consider further measures in order to address the problem of violence against children, including corporal punishment. (Italy)

“To reconsider its position about the continued legality of corporal punishment against children. (Sweden)

“To consider going beyond current legislation and to ban corporal punishment, also in the private sector and in its Overseas Territories. (France)”

The Government rejected the recommendations, stating that it sees no need for law reform since it believes the current law is working well, parents should be allowed to discipline children and surveys show that the use of corporal punishment in childrearing has declined.¹⁹ It accepted the recognition to consider going beyond current legislation in relation to protecting children from violence but

¹⁵ [2014], CRC/C/GBR/5, Fifth state party report, para. 12

¹⁶ 29 August 2017, Annex to the response to the UPR recommendations received on 4 May 2017

¹⁷ See https://amp.theguardian.com/society/2018/jun/07/moj-to-review-use-of-pain-inducing-restraint-on-young-offenders?_twitter_impression=true, accessed 8 June 2018; see also <https://article39.org.uk/2018/10/19/chair-of-youth-justice-board-to-lead-review-of-pain-inducing-restraint-on-children/>, accessed 26 October 2018

¹⁸ 23 May 2008, A/HRC/8/25, Report of the working group, paras. 56(2), 56(3), 56(4) and 56(5)

¹⁹ 23 May 2008, A/HRC/8/25, Report of the working group, para. 25

rejected “the implication that it is failing in this regard through the application of its policy on corporal punishment”.²⁰

The mid-term report, dated March 2010, repeats this assertion and draws attention to the prohibition of corporal punishment in education and care settings and to the review being undertaken of corporal punishment in some education settings which fall outside of the legal framework.²¹ The report refers to previous law reforms which limited the application of the “reasonable punishment” defence so that it can no longer be relied upon in cases of assault occasioning cruelty or actual or grievous bodily harm. However, it then attempts to defend the continued legality of a certain degree of physical punishment in childrearing, stating that the Government “does not condone” physical punishment but “does not want to criminalise decent parents who decide to administer a mild smack”: the Government considers the promotion of positive discipline techniques to be sufficient to address the issue.

Examination in the second cycle of the UPR took place in 2012 (session 13). The following recommendations were made:²²

“Reconsider its position about the continued legality of corporal punishment of children (Sweden);

“Take measures to ensure the freedom of children from physical punishment in accordance with the Convention on the Rights of the Child (Norway);

“Introduce a ban on all corporal punishment of children as recommended by the CRC and other treaty bodies (Finland)”

The Government rejected the recommendations, stating: “... The law in the UK only permits physical punishment of children in very limited circumstances. Corporal punishment is unlawful in state and full-time independent schools, in nursery and childminding settings, children’s homes and secure establishments.... The UK Government does not accept that it is in breach of the UNCRC with regard to physical punishment; and believe [*sic*] that UK is compliant with Articles 19 and 37 in relation to abuse and violence towards children.”²³ The UK’s 2014 mid-term report reiterates this, stating that “parents should not be criminalised for giving a mild smack to their child”.²⁴

The UK’s third cycle examination took place in 2017 (session 27). The following recommendations were made:²⁵

“In all devolved administrations, overseas territories and Crown dependencies, prohibit all corporal punishment in the family, including through the repeal of all legal defences, such as “reasonable chastisement” (Liechtenstein);

“Ensure that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care (Liechtenstein);

“Prohibit corporal punishment in all settings, including the family (Ireland);

“Reconsider its position on the legality of corporal punishment of children (Mongolia);

²⁰ 25 August 2008, A/HRC/8/25/Add.1, Report of the working group: Addendum, paras. 28, 29 and 30

²¹ Mid-term progress update by the United Kingdom of Great Britain and Northern Ireland on its implementation of recommendations agreed in June 2008, para. 7

²² 6 July 2012, A/HRC/21/9, Report of the working group, paras. 110(78), 10(79) and 110(80)

²³ 17 September 2012, A/HRC/21/9/Add.1, Report of the working group: Addendum, annex

²⁴ 2014, Mid-term report by the United Kingdom of Great Britain and Northern Ireland

²⁵ 8 May 2017, A/HRC/WG.6/27/L.7, Draft report of the working group, unedited version, paras. 6(193), 6(194), 6(195), 6(196), 6(197), 6(198) and 6(199)

“Ban corporal punishment of children to ensure the full protection and freedom from violence for all children (Sweden);

“Consider prohibiting corporal punishment against children and ensure that it is explicitly prohibited in all schools and educational institutions, and all other institutions and forms of alternative care (Croatia);

“Take further actions in protecting the rights of the child by prohibiting all corporal punishment of children as required by the convention of the Rights of Child (Estonia)”

The Government rejected all seven recommendations, stating: “the UK does not condone any violence towards children and has clear laws to deal with it. The ‘reasonable chastisement’ defence in s.58 Children Act 2004 cannot be used when someone is charged with assault causing actual or grievous bodily harm, or with child cruelty. Parents should not be criminalised for giving a child a mild smack in order to control their behaviour.”²⁶

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(3 June 2016, CRC/C/GBR/CO/5, Concluding observations on fifth report, paras. 38, 39 and 40)

“The Committee is concerned about: ...

c) the use of physical restraint on children to maintain good order and discipline in Young Offenders’ Institutions and the use of pain-inducing techniques on children in institutional settings in England, Wales and Scotland, and the lack of a comprehensive review of the use of restraint in institutional settings in Northern Ireland;

d) The use of restraint and seclusion on children with psycho-social disabilities, including children with autism, in schools.

“With reference to the Committee’s general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and Sustainable Development Goal 16, Target 16.2, the Committee urges the State party to:

a) prohibit the use of electrical discharge weapons, such as Taser guns, AEPs (Northern Ireland) and any other harmful devices on children and systematically collect and publish age disaggregated data on their use in order to monitor the implementation of such prohibition;

b) abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children;

c) ensure that restraint is used against children exclusively to prevent harm to the child or others and only as a last resort;

d) systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.

²⁶ 7 September 2017, A/HRC/36/9/Add.1, Report of the working group: addendum, para. 3; see also 29 August 2017, Annex to the response to the recommendations received on 4 May 2017

“With reference to its general comment No. 8 and its previous recommendations, the Committee urges the State party, in all devolved administrations, Overseas Territories and Crown Dependencies, to:

- a) prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as ‘reasonable chastisement’;
- b) ensure that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care;
- c) strengthen its efforts to promote positive and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, with a view to eliminating the general acceptance of the use of corporal punishment in child-rearing.”

Committee on the Rights of the Child

(20 October 2008, CRC/C/GBR/CO/4, Concluding observations on third/fourth report, paras. 6, 7, 38, 39, 40, 41 and 42)

“The Committee, while welcoming the State party’s efforts to implement the concluding observations on previous State party’s reports, notes with regret that some of the recommendations contained therein have not been fully implemented, in particular:

- a) with respect to the concluding observations on the second periodic report of the United Kingdom (CRC/C/15/Add.188), those recommendations related, inter alia, to ... corporal punishment (paras. 35-38)...
- c) with respect to the initial report of the United Kingdom – Isle of Man (CRC/C/15/Add.134) those regarding, inter alia, corporal punishment (paras. 26-27)....

“The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the previous reports that have not yet – or not sufficiently – been implemented as well as those contained in the present concluding observations. In this context, the Committee draws the attention of the State party to its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.

“The Committee notes that the State party has reviewed the use of physical restraint and solitary confinement to ensure that these measures are not used unless absolutely necessary and as a measure of last resort. However, the Committee remains concerned at the fact that, in practice, physical restraint on children is still used in places of deprivation of liberty.

“The Committee urges the State party to ensure that restraint against children is used only as a last resort and exclusively to prevent harm to the child or others and that all methods of physical restraint for disciplinary purposes be abolished.

“The Committee, while noting amendments to legislation in England, Wales, Scotland and Northern Ireland which restrict the application of the defence of ‘reasonable chastisement’, is concerned that this defence has not been removed. The Committee welcomes the commitment of the National Assembly in Wales to prohibiting all corporal punishment in the home, but notes that under the terms of devolution it is not possible for the Assembly to enact the necessary legislation. The Committee is concerned at the failure of State party to explicitly prohibit all corporal punishment in the home and emphasizes its view that the existence of any defence in cases of corporal punishment of children does not comply with the principles and provisions of the Convention, since it would suggest that some forms of corporal punishment are acceptable.

“The Committee is further concerned that corporal punishment is lawful in the home, schools and alternative care settings in virtually all overseas territories and crown dependencies.

“The Committee, reiterating its previous recommendations (CRC/C/15/Add.188, para. 35), in the light of its general comment No. 8 on ‘the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment’, as well as noting similar recommendations made by the Human Rights Committee; the Committee on the Elimination of Discrimination Against Women; and the Committee on Economic, Social and Cultural Rights, recommends that the State party:

a) prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, in England and Wales, Scotland, and Northern Ireland, and in all Overseas Territories and Crown Dependencies;

b) ensure that corporal punishment is explicitly prohibited in schools and all other institutions and forms of alternative care throughout the United Kingdom and in the overseas territories and crown dependencies;

c) actively promote positive and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, with a view to raising public awareness of children’s right to protection from all corporal punishment and to decreasing public acceptance of its use in childrearing;

d) provide parental education and professional training in positive child-rearing.”

Committee on the Rights of the Child

(9 October 2002, CRC/C/15/Add.188, Concluding observations on second report, paras. 8, 9, 35, 36, 37 and 38)

“While noting the entry into force of the Human Rights Act 1998, which incorporates the rights enshrined in the European Convention on Human Rights into domestic law, the Committee is concerned that the provisions and principles of the Convention on the Rights of the Child – which are much broader than those contained in the European Convention – have not yet been incorporated into domestic law, nor is there any formal process to ensure that new legislation fully complies with the Convention. The Committee notes that the devolved administrations have introduced some legal reforms to ensure compatibility with the Convention such as ensuring that the education system in Scotland complies with article 12 and that corporal punishment in the day-care system in Wales is prohibited, but remains concerned that the State party does not ensure that its legislation is compatible with the Convention throughout its territory.

“The Committee encourages the State party to incorporate into domestic law the rights, principles and provisions of the Convention in order to ensure that all legislation complies with the Convention and that the provisions and principles of the Convention are widely applied in legal and administrative proceedings. The State party is also encouraged to provide training in the provisions of the Convention and to disseminate the Convention more widely.

“The Committee welcomes the abolition of corporal punishment in all schools in England, Wales and Scotland following its 1995 recommendations (ibid., para. 32) but is concerned that this abolition has not yet been extended to cover all private schools in Northern Ireland. It welcomes the adoption by the National Assembly for Wales of regulations prohibiting corporal punishment in all forms of day care, including childminding, but is very concerned that legislation prohibiting all corporal punishment in this context is not yet in place in England, Scotland or Northern Ireland.

“In light of its previous recommendation (ibid., para. 31), the Committee deeply regrets that the State party persists in retaining the defence of ‘reasonable chastisement’ and has taken no significant action towards prohibiting all corporal punishment of children in the family.

“The Committee is of the opinion that the Government’s proposals to limit rather than to remove the ‘reasonable chastisement’ defence do not comply with the principles and provisions of the Convention and the aforementioned recommendations, particularly since they constitute a serious violation of the dignity of the child (see similar observations of the of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.79, para. 36). Moreover, they suggest that some forms of corporal punishment are acceptable, thereby undermining educational measures to promote positive and non-violent discipline.

“The Committee recommends that the State party:

a) with urgency adopt legislation throughout the State party to remove the ‘reasonable chastisement’ defence and prohibit all corporal punishment in the family and in any other contexts not covered by existing legislation;

b) promote positive, participatory and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, involving children and parents and all those who work with and for them, and carry out public education programmes on the negative consequences of corporal punishment.”

Committee on the Rights of the Child

(15 February 1995, CRC/C/15/Add.34, Concluding observations on initial report, paras. 16, 31 and 32)

“The Committee is disturbed about the reports it has received on the physical and sexual abuse of children. In this connection, the Committee is worried about the national legal provisions dealing with reasonable chastisement within the family. The imprecise nature of the expression of reasonable chastisement as contained in these legal provisions may pave the way for it to be interpreted in a subjective and arbitrary manner. Thus, the Committee is concerned that legislative and other measures relating to the physical integrity of children do not appear to be compatible with the provisions and principles of the Convention, including those of its articles 3, 19 and 37. The Committee is equally concerned that privately funded and managed schools are still permitted to administer corporal punishment to children in attendance there which does not appear to be compatible with the provisions of the Convention, including those of its article 28, paragraph 2....

“The Committee is also of the opinion that additional efforts are required to overcome the problem of violence in society. The Committee recommends that physical punishment of children in families be prohibited in the light of the provisions set out in articles 3 and 19 of the Convention. In connection with the child’s right to physical integrity, as recognized by the Convention, namely in its articles 19, 28, 29 and 37, and in the light of the best interests of the child, the Committee suggests that the State party consider the possibility of undertaking additional education campaigns. Such measures would help to change societal attitudes towards the use of physical punishment in the family and foster the acceptance of the legal prohibition of the physical punishment of children.

“... Legislative measures are recommended to prohibit the use of corporal punishment in privately funded and managed schools.”

Committee on the Elimination of Discrimination Against Women

(30 July 2013, CEDAW/C/GBR/CO/7, Concluding observations on seventh report of UK, paras. 34 and 35)

“The Committee ... recalls its previous concluding observations (A/63/38, paras. 280 and 281) and is concerned that corporal punishment remains lawful in the home.

“Recalling its general recommendation No. 19, on violence against women, and its previous recommendation, the Committee urges the State party: ...

e) to revise its legislation to prohibit corporal punishment of children in the home.”

Committee on the Elimination of Discrimination Against Women

(18 July 2008, Part of A/63/38, Concluding observations on fifth/sixth report, paras. 280 and 281)

“... The Committee also notes with concern that corporal punishment is lawful in the home and constitutes a form of violence against children, including the girl child.

“The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women in accordance with its general recommendation No. 19 on violence against women.... The Committee further recommends that the State party include in its legislation the prohibition of corporal punishment of children in the home.”

Committee on Economic, Social and Cultural Rights

(12 June 2009, E/C.12/GBR/CO/5, Concluding observations on fourth/fifth report, para. 24)

“The Committee ... also remains concerned that corporal punishment of children in the home is not yet prohibited by law.

The Committee ... reiterates its recommendation that physical punishment of children in the home be prohibited by law.”

Committee on Economic, Social and Cultural Rights

(5 June 2002, E/C.12/1/Add.79, Concluding observations on fourth report, para. 36)

“Given the principle of the dignity of the individual, which provides the foundation for international human rights law (see paragraph 41 of the Committee's General Comment No. 13) and in the light of article 10.1 and 10.3 of the Covenant, the Committee recommends that the physical punishment of children in families be prohibited, in line with the recommendation of the Committee on the Rights of the Child (see paragraph 31 of the 1995 concluding observations of that Committee (CRC/C/15/Add.34)).”

Committee on Economic, Social and Cultural Rights

(4 December 1997, CESCR/E/C.12/1/Add.19, Concluding observations on third report, paras. 16 and 28)

“The Committee is alarmed by the fact that corporal punishment continues to be practised in schools which are privately financed, and at the statement by the delegation that the Government does not intend to eliminate this practice.

“The Committee recommends that the State party take appropriate measures to eliminate corporal punishment in those schools in which this practice is still permitted, i.e. privately financed schools.”

Committee Against Torture

([31 May 2013], CAT/C/GBR/CO/5 Advance Unedited Version, Concluding observations on fifth report, para. 29)

“The Committee takes note of amendments to legislation in England, Wales, Scotland and Northern Ireland, which limit the application of the defence of ‘reasonable punishment’ (or ‘justifiable assault’ in Scotland), but remains concerned that some forms of corporal punishment are still legally permissible in the home for parents and those in *loco parentis*. In addition, it expresses concern that corporal punishment is lawful in the home, schools and alternative care settings in almost all overseas territories and crown dependencies.

The Committee recommends that the State party prohibits corporal punishment of children in all settings in Metropolitan territory, Crown Dependencies and Overseas Territories, repealing all legal defences currently in place, and further promote positive non-violent forms of discipline via public campaigns as an alternative to corporal punishment.”

Committee Against Torture

(17 November 1998, A/54/44, Concluding observations on third report, para. 74)

“Positive aspects:

d) the removal of corporal punishment as a penalty in several of the Dependent Territories.”

Committee Against Torture

(9 July 1996, A/51/44, Concluding observations on second report, para. 65)

“The Committee recommends that the Government of the United Kingdom take the following measures:

i) reconsidering corporal punishment with a view to determining if it should be abolished in those dependencies that still retain it.”

Committee Against Torture

(26 June 1993, A/48/44, Concluding observations on initial report, para. 283)

“... The territories appeared to be governed in accordance with the obligations on the Convention and the Committee congratulated the Government of the United Kingdom in this respect. The Committee was, however, interested in receiving more detail pertaining to cases of corporal punishment in the territories retaining it. The nature and incidence of such punishment, together with details of the crime and the characteristics of the offender, should be forwarded to the Committee when the information is gathered...”

Human Rights Committee

([July 2015], CCPR/C/GBR/CO/7 Advance Unedited Version, Concluding observations on seventh report, para. 20)

“The Committee remains concerned that corporal punishment is still not fully outlawed in the home and certain educational and alternative care facilities in the United Kingdom and in almost all British Crown Dependencies and Overseas Territories. It is further concerned about the lack of explicit prohibition of corporal punishment in the home and the existing legal defences of ‘reasonable punishment’ in England, Wales and Northern Ireland or ‘justifiable assault’ in Scotland (arts. 7 and 24).

The State party should take practical steps, including through legislative measures where appropriate, to put an end to corporal punishment in all settings, including the home, throughout United Kingdom and all Crown Dependencies and Overseas Territories, and repeal all existing legal defences across the State party’s jurisdiction. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and conduct public information campaigns to raise awareness about its harmful effects.”

Human Rights Committee

(30 July 2008, CCPR/C/GBR/CO/6, Concluding observations on sixth report, para. 27)

“The Committee notes with concern that corporal punishment of children is not prohibited in schools in Bermuda, the British Virgin Islands, Gibraltar, Montserrat and the Crown Dependencies. (arts. 7 and 24)

The State party should expressly prohibit corporal punishment of children in all schools in all British Overseas Territories and Crown Dependencies.”

Human Rights Committee

(27 July 1995, CCPR/C/79/Add.55, Concluding observations on fourth report, para. 8)

“The Committee recommends that corporal punishment administered to privately funded pupils in independent schools be abolished.”

European Committee of Social Rights

(March 2020, Conclusions 2019)

“In its previous conclusion (Conclusions XX-4, 2015) the Committee found that the situation was not in conformity with the Charter as not all forms of corporal punishment were explicitly prohibited in the home.

“According to the report there has been no change to the situation. The Committee considers that the situation which it has previously found not to be in conformity with the Charter has not changed. Therefore, it reiterates its previous finding of non-conformity on the ground that not all forms of corporal punishment of children are prohibited in the home.

“However the Committee notes that the report states that the Welsh Government has announced plans to remove the ‘reasonable chastisement’ defence. Legislation is intended between Sept 2018 and July 2019. If passed, this legislation will prohibit the physical punishment of children by parents and those acting in loco parentis within Wales.

“In Scotland, the Children (Equal Protection from Assault) (Scotland) Act 2019 was adopted by the Scottish Parliament in October 2019 (outside the reference period). This removes the common law defence of “reasonable chastisement”.

“The Committee asks to be kept informed of all developments in the situation.

...

“The Committee concludes that the situation in the United Kingdom is not in conformity with Article 17 of the 1961 Charter on the ground that: • not all forms of corporal punishment are prohibited in all settings; • the ages of criminal responsibility across the different entities of the UK are too low; • pain inducing restraint techniques are used in Young Offender Institutions.”

European Committee of Social Rights

(January 2016, Conclusions 2015)

“In its previous conclusion (Conclusions 2011) the Committee found that the situation was not in conformity with the Charter as not all forms of corporal punishment were explicitly prohibited in the home.

“According to the report, the Government’s position is unchanged. The Government takes the view that it should not be a crime for parents to give their children a mild smack. The law in Northern Ireland on the physical punishment of children is based on the concept of ‘reasonable chastisement’. If a parent or adult smacks a child and is prosecuted, they can defend themselves in terms of reasonable chastisement but only if the harm is minor.

“In interpreting Article 17 of the Charter, the Committee has held that the prohibition of any form of corporal punishment of children is an important measure that avoids discussions and concerns as to where the borderline would be between what might be acceptable form of corporal punishment and what is not (General Introduction to Conclusions XV-2). The Committee recalls its interpretation of Article 17 of the Charter as regards the corporal punishment of children laid down most recently in its decision in *World Organisation against Torture (OMCT) v. Portugal* (Complaint No. 34/2006, decision on the merits of 5 December 2006; §§19-21):

“To comply with Article 17, states’ domestic law must prohibit and penalize all forms of violence against children, that is acts or behaviour likely to affect the physical integrity, dignity, development or psychological well-being of children.

The relevant provisions must be sufficiently clear, binding and precise, so as to preclude the courts from refusing to apply them to violence against children.

Moreover, states must act with due diligence to ensure that such violence is eliminated in practice.”

“The Charter contains comprehensive provisions protecting the fundamental rights and human dignity of children – that is persons aged under 18 (*Defence for Children International v. the Netherlands*, Complaint No. 47/2008, decision on the merits of 20 October 2009, §§ 25-26). It enhances the European Convention on Human Rights in this regard. It also reflects the provisions of the United Nations Convention on the Rights of the Child, on which in particular Article 17 is based.

“The Committee has noted that there is now a wide consensus at both the European and international level among human rights bodies that the corporal punishment of children should be expressly and comprehensively prohibited in law. The Committee refers, in particular, in this respect to the General Comments Nos. 8 and 13 of the Committee on the Rights of the Child (*Association for the Protection of All Children (APPROACH) v. Ireland*, decision on the merits of 2 December 2014, §§45-47).

“The Committee considers that the situation which it has previously found not to be in conformity with the Charter has not changed. Therefore, it reiterates its previous finding of non-conformity on the ground that not all forms of corporal punishment of children are prohibited in the home.”

“The Committee concludes that the situation in United Kingdom is not in conformity with Article 17 of the 1961 Charter on the grounds that:

- not all forms of corporal punishment are prohibited in the home...”

European Committee of Social Rights

(January 2012, Conclusions XIX-4 (2011))

“In its previous conclusion (Conclusions XVII-2) the Committee held that the situation in the United Kingdom was not in conformity with Article 17 of the Charter as corporal punishment was not prohibited in the home.

“The Committee notes from another source that despite the amendments to legislation in England, Wales, Scotland and Northern Ireland which restrict the application of the defense of ‘reasonable chastisement’, this defense has not been removed. The UN-CRC is concerned at the failure to explicitly prohibit all corporal punishment in the home and emphasises its view that the existence of any defence in cases of corporal punishment of children does not comply with the principles and provisions of the Convention on the Rights of the Child, since it would suggest that some forms of corporal punishment are acceptable.

“The Committee notes from the report of the Governmental Committee of the Social Charter to the Committee of Ministers (TS-G (2005) 24, § 230) that while domestic law provides a defence to an alleged crime of violence against a child if the person against whom the allegation is made is a parent administering physical punishment, this applies only if it is deemed to be ‘reasonable’ in manner. This defence, termed ‘reasonable punishment’, has been restricted by Section 58 of the Children Act 2004, to the least serious category of assault. The defence is not absolute, and may be accepted or rejected by a jury. Revised guidance to prosecutors by the Director of Public Prosecutions has clarified the kind of action that may be construed as an assault, and in effect, only a mild smack is likely to be excluded.

“The Committee further notes from another source that corporal punishment is lawful in the home. In England and Wales, section 58 of the Children Act (2004) provides for ‘reasonable punishment’ of children. In Northern Ireland, Article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order (2006) provides for ‘reasonable punishment’. In Scotland, ‘justifiable assault’ of children is lawful under section 51 of the Criminal Justice (Scotland) Act (2003), defining blows to the head, shaking and use of implements as unjustifiable. In rejecting the recommendations of the Universal Periodic Review, the Government stated that it sees no need for law reform since it believes the current law is working well, parents should be allowed to discipline children and surveys show that the use of corporal punishment in childrearing has declined.

“The Committee takes note of the Government's arguments against the conclusion of nonconformity. Firstly, the Government states that when Article 17 was accepted by the UK in 1961 it did not require the banning of all corporal punishment of children. Article 17 was revised in 1996 to expressly require that State prohibit all forms of violence against children but the UK did not ratify the later version. It is not clear whether a definition of violence that the Committee has applied to the later 1996 version of Article 17, which the UK did not ratify, is also now applied to the 1961 version.

“Secondly, according to the Government, the UK does not sanction violence that would be likely to affect the physical integrity, dignity, development or psychological well being of children. Therefore, the UK does not consider that it would be in breach of Article 17 even when the latter is interpreted as prohibiting corporal punishment. In the Government's view, punishment for which the defence of reasonable punishment is available in England and Wales and Northern Ireland does not constitute

violence within the meaning of Article 17. The Government is pleased that research in English and Wales shows that fewer parents now choose to use physical punishment and that more parents use alternative approaches to discipline, and hope that trend continues. According to the report, since 2006 significant resources have been invested in helping parents to access behaviourally based parenting courses which have a proven record of helping parents to manage their children's behaviour more effectively and without resorting to physical punishment. The Committee also takes note of the amendments to the Crown Prosecution Service Charging Standard.

“As regards the Government's first argument, the Committee recalls that its interpretation of Article 17 of the Charter in 2001 (General Introduction to Conclusions XV-2) equally applies to all states having accepted either Article 17 of the 1961 Charter or Article 17§1 of the Revised Charter.

“As regards the Government's second argument, the Committee recalls that the Charter was envisaged as a human rights instrument to complement the European Convention on Human Rights. It is a living instrument dedicated to certain values which inspired it: dignity, autonomy, equality, solidarity and other generally recognised values (FIDH v. France, Complaint No. 14/2003, decision on the merits of 8 September 2004, § 27). It must be interpreted so as to give life and meaning to fundamental social rights (FIDH v. France, Complaint No. 14/2003, decision on the merits of 8 September 2004, § 29).

“In its General Observation to Conclusions XV-2, regarding Articles 17 and 7§10, the Committee held that it attached great importance to the protection of children against any form of violence, ill-treatment or abuse, whether physical or mental. It stated in this General Observation that when interpreting the scope of Article 17 it was influenced by an emerging international consensus on the issue. As regards its reference to the UN Convention on the Rights of the Child, the Committee recalls that the treaty is one of the most ratified treaties, and has been ratified by all member states of the Council of Europe including the United Kingdom and therefore, it was entirely appropriate for it to have regard to it as well as the case law of the UN Committee on the Rights of the Child (Complaint No 18/2003, World Organisation against Torture (OMCT) v. Ireland, decision on the merits of 7 December 2004, §61).

“The Committee does not find it acceptable that a society which prohibits any form of physical violence between adults would accept that adults subject children to physical violence. The Committee did not consider that there can be any educational value in corporal punishment of children that cannot be otherwise achieved. The Committee holds that to prohibit any form of corporal punishment of children, is an important measure for the education of the population in this respect in that it gives a clear message about what society considers to be acceptable. It is a measure that avoids discussions and concerns as to where the borderline would be between what might be acceptable corporal punishment and what is not (General Introduction to Conclusions XV-2).

“The Committee further recalls (Complaint No 18/2003, World Organisation against Torture (OMCT) v. Ireland, decision on the merits of 7 December 2004, § 64) that its case law is to the effect that the prohibition of all the forms of violence must have a legislative basis. The sanctions available must be adequate, dissuasive and proportionate.

The Committee considers that in the instant case, although the criminal law will protect children from very serious violence in the home, it remains the fact that certain forms of violence, which fall under the definition of 'reasonable chastisement' are permitted. Therefore, the Committee holds that the situation is not in conformity with the Charter as not all forms of corporal punishment are explicitly prohibited in the home.

...

“The Committee concludes that the situation in United Kingdom is not in conformity with Article 17 of the Charter of 1961 on the grounds that:

- not all forms of corporal punishment are prohibited in the home....”

European Committee of Social Rights

(July 2005, Conclusions XVII-2)

“The Committee recalls that Article 17 of the Charter requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It furthermore considers that this prohibition must be combined with adequate sanctions in penal or civil law.

“The Committee notes that information from the report on the Regulations on Children’s Homes which do not allow corporal punishment as a disciplinary measure in children’s homes, in England, Wales and Scotland. It asks whether such a regulation exists for Northern Ireland.

“It notes from another source that legislation prohibiting corporal punishment in all forms of day care, including child minding, has not yet been put in place in England, Scotland or Northern Ireland. Since the precise situation is not clear, the Committee asks that the next report contain detailed information on the prohibition of corporal punishment in all child-care settings, including private ones.

“The Committee further notes from the same source that the abolition of corporal punishment in all schools in England, Wales and Scotland, has not yet been extended to cover all private schools in Northern Ireland. It asks that the next report provide more information on this.

“The Committee notes that corporal punishment within the family is not prohibited. It further notes from the abovementioned source that the defence of ‘reasonable chastisement’ still exists and the State has taken no significant action towards prohibiting all corporal punishment of children in the family. Therefore, it considers that since there is no prohibition in legislation of all corporal punishment in the home, the situation is not in conformity with Article 17 of the Charter.

...

“The Committee concludes that the situation in the United Kingdom is not in conformity with Article 17 of the Charter on the grounds that:

- corporal punishment in the home is not prohibited....”

European Committee of Social Rights

(1 January 2001, Conclusions XV-2 vol. 2, pages 612-617)

“As regards corporal punishment, the Committee notes that it was prohibited in private schools by the School Standards and Framework Act 1998, with the result that corporal punishment is now prohibited in all schools. The Committee wishes to be informed whether legislation prohibits corporal punishment in other institutions caring for children. It notes that not all forms of corporal punishment are prohibited within the family. The Committee refers to its general observations on Article 17 in the General introduction and decides to defer its conclusion on this point pending more information from the British Government on the situation and on its intentions in this regard. It also wishes to receive information on the situation in Northern Ireland and Scotland....

...

“Pending the information requested ... on corporal punishment, the Committee defers its conclusion.”

Prevalence/attitudinal research in the last ten years

At a ‘meeting in a box’ held by the Equalities and Human Rights Committee in Scotland in 2019 involving 260 pupils, 66% of pupils supported the bill to remove the defence of “justifiable assault”. In total, 86% of the witnesses who gave oral evidence to the committee backed the legal reform to give children the same protection from assault as adults. The Scottish Youth Parliament’s Lead the Way manifesto further revealed that 82% of more than 72,000 responses from Scotland’s young people agreed that all physical assault against children should be illegal, with calls to provide children with as much protection from violence at home as they do on the street.

(Reported in “Action needed on assault against young people”, *Third Force News*, 20 May 2019
<http://thirdforcenews.org.uk/tfn-news/action-needed-on-assault-against-young-people>)

In a survey commissioned by the Welsh Government with parents of children aged 0-6 about their attitudes towards managing children’s behaviour, 81% of parents disagreed with the statement “it is sometimes necessary to smack a naughty child” (up from 71% in 2015) and only 11% agreed with it (down from 25% in 2015). Just under a third (31%) of parents reported that they may smack a child under certain circumstances, but within this, only 5% reported that they are comfortable with the idea and would do it when necessary. Only 7% found smacking appropriate as a punishment for naughty behaviour; 11% said they had smacked their children in the last 6 months as a way of managing their behaviour (this figure has halved from 22% in 2015). Around half (53%) of parents surveyed thought that the law did not “allow parents to smack their children” and a third (33%) thought the law did allow it. When asked if the law should allow parents to smack their children, 50% disagree that it should be allowed (24% agree that it should) and 48% agree there should be a complete ban (39% disagree).

(Government Social Research (2018), *Parental Attitudes towards Managing Young Children’s Behaviour 2017*)

A survey carried out in November-December 2016 for the Northern Ireland Commissioner for Children and Young People (NICCYP), which polled a sample of 1,500 people, found 63% of respondents would definitely support or would tend to support changing the law to give children the same protection from hitting and smacking that adults have. Only 33% of all adults and 37% of parents were aware that the law currently allows a parent to physically punish a child. Only 24% of all adults and 18% of parents said physical punishment was acceptable, with more suggesting that withdrawing treats like pocket money was much more acceptable (73%), followed by grounding, negotiation or discussion and time out.

(Reported in “Rising number back call to ban smacking children: Poll”, *Belfast Telegraph*, 22 March 2017)

A study that involved focus groups with 70 parents found that although most had physically punished their children, “the consensus was that physical punishment was neither acceptable nor effective” (p. 29). A significant number of parents said they would be happy for legislation banning physical punishment to be enacted.

(Prince, J. et al (2014), *Attitudes to parenting practices and child discipline*, Cardiff: Welsh Government Social Research)

In a study involving focus groups and face-to-face interviews with 104 13-22 year olds with experience of youth custody in Austria, Cyprus, England, the Netherlands and Romania, young people in England expressed the view that physical restraint in custody can be used as a punishment.

(Children’s Rights Alliance for England (2013), *Speaking Freely: Children and Young People in Europe Talk about Ending Violence Against Children in Custody – Research Report*, London: CRAE)

A 2012 poll of 2,011 adults in Britain found that 30% would support and 63% oppose “banning parents from smacking their children”. Of those who said they had never been “smacked” as children, 52% supported a ban and 35% opposed one; 51% of respondents said they agreed with the existing “ban on smacking” in state and private schools, with 39% disagreeing.

(Reported in *Angus Reid Public Opinion*, 13 February 2012, www.angus-reid.com)

Research carried out by the National Society for the Prevention of Cruelty to Children (NSPCC) in 2009 and published in 2011 involved 2,160 interviews with parents of children under 11, 2,275 interviews with 11-17 year olds and their parents, and 1,761 interviews with 18-24 year olds on their childhood experiences. More than two in five (41.6%) of the parents or guardians said they had physically punished or “smacked” their child in the past year: 39.4% of the parents or guardians of under 11s and 45.9% of 11–17s. The report compares the responses of the 18-24 year olds to those in a similar study that examined the experiences of 18-24 year olds in 1998. In 2009, 41% of 18-24 year olds said they had been smacked on the bottom with a bare hand by an adult at home, school or elsewhere during their childhood, compared to 53.1% in 1998; 43% had been smacked on the leg, arm or hand (61% in 1998), and 13.4% slapped on the face, head or ears (21.3% in 1998).

(Radford, L. et al (2011), *Child abuse and neglect in the UK today*, NSPCC)

A 2011 report on madrassas (supplementary schools for Muslim children that operate outside the mainstream education system) found that children experienced corporal punishment, including being “smacked”, hit with a belt and threatened with a stick in some madrassas.

(Cherti, M. & Bradley, L. (2011), *Inside Madrassas: Understanding and Engaging with British-Muslim Faith Supplementary Schools*, London: Institute for Public Policy Research)

A survey of 55 health care workers working primarily with children (including paediatricians, clinical psychologists, psychiatrists, school nurses and health visitors) in Scotland found that 47% incorrectly believed the law protected children from assault to a greater extent than adults, 40% correctly stated this was not the case, and 13% did not know.

(Rae, H. et al (2010), “Health Care Workers’ Knowledge of Current Child Protection Legislation and Child Discipline Practices”, *Child Abuse Review*, 19, 259-272)

A 2010 review of the literature on UK parents’ attitudes to physical punishment highlighted the ambivalence that is evidenced by many studies. While physical punishment was found to be common by many surveys, parents’ attitudes towards it were often inconsistent or conflicting, with many parents, including those who used physical punishment, agreeing it was not a good thing to do.

(Bunting, L. et al (2010), “In Two Minds? Parental Attitudes Toward Physical Punishment in the UK”, *Children and Society*, 24, 359-370)

In a survey of 1,000 parents of children aged 0-10 in Northern Ireland, 47% said they had physically punished their children at some point and 45% in the last year. On average, those who had used physical punishment during the last year had done so 8 times. The most common form of physical punishment was a smack on the bottom with a bare hand, used by 33% of parents, on average 5.3 times in the past year; 26% had slapped their child on the hand, arm or leg, on average 5.6 times in the past year, and 2.2% had hit their child on the bottom with a belt, a hairbrush, a stick or some other hard object, on average 4.5 times in the past year. Children aged 3-6 were more likely to have been physically punished in the past year (53%) than children aged 7-10 (43%) or 0-2 (33%). Two thirds of parents thought physical punishment never or infrequently led to the child having increased respect for parents, and 60% that it never or infrequently led to the child learning acceptable behaviour; 40% thought physical punishment always or frequently made the child more aggressive, 36% that it always or frequently led to long-term emotional upset for the child, and 60% that it always or frequently made the parent feel regret or guilt.

(Bunting, L. et al (2008), *The 'smacking debate' in Northern Ireland: messages from research*, Barnardo's Northern Ireland, NICCY and NSPCC Northern Ireland, www.nspcc.org.uk/Inform/research/findings/SmackingDebateNI_wda63277.html)

Of nearly 14,000 mothers interviewed as part of the third survey of the Millennium Cohort Study, which is tracking the development of more than 15,000 UK children, 45% said they never smacked their 5 year old child. Half the mothers in Wales (49%) said they never smacked their child, compared with 35% in Northern Ireland, 45% in England and 43% in Scotland.

(Hansen, K. & Joshi, H. (2008), *Millennium Cohort Study: Third Survey: A User's Guide to Initial Findings*, London: Institute of Education)

In 2008, a report on the ongoing Growing up in Scotland (GUS) study focussed on parenting styles. Interviews were carried out with over 4,500 parents of children aged on average 22.5 months and 2,500 parents of children aged on average 46.5 months: 34% of the parents of 3 year olds and 16% of the parents of younger children reported that they had smacked their children. Less than one in five of the parents of 3 year olds believed smacking was useful, and fewer still of the parents of younger children.

(Bradshaw, P. et al (2008), *Growing up in Scotland: Sweep 2 Overview Report*, Edinburgh: The Scottish Government, www.scotland.gov.uk/Resource/Doc/212225/0056476.pdf)

In an Ipsos MORI poll for Parenting Across Scotland, 5% of the 1,000 parents surveyed had smacked their child "fairly often" or "sometimes" in the previous year, 15% had smacked their child once or twice during that time, and around 20% had threatened to smack their child. Only 1% believed smacking is an effective way of changing a child's behaviour, 3% believed threatening to smack is effective. A majority of parents (71%) had shouted or yelled at their child, though only 7% consider this to be effective.

(Ipsos MORI (2008), *What Scottish Parents Tell Us*, Edinburgh: Parenting Across Scotland)