

Response by Children Are Unbeatable! to the consultation on the redrafting of *Working Together to Safeguard Children*

Children Are Unbeatable! and child protection

The Children Are Unbeatable! Alliance is an alliance of organisations and individuals campaigning for the reform of the law on assault to give children the same protection as adults. It also seeks the active promotion of positive, non-violent forms of discipline. The Alliance's aims are supported by more than 600 organisations and projects, including all the main child protection and parent-support organisations as well as a number of Local Safeguarding Children Boards and Sure Start centres.¹

Children Are Unbeatable! believes that prohibiting all forms of physical punishment is the only safe foundation for effective children protection. A joint statement issued in 2008 on the child-safeguarding implications of law reform by key agencies (BASW, BASPCAN, Unite-CPHVA, NSPCC, Parenting UK, RCN Safeguarding Forum, RCPCH), asserts that complete removal of the "reasonable punishment" defence would improve child protection without creating consequential problems such as the needless prosecution of parents for minor assaults, or changes to the "significant harm" threshold.²

This consultation

The government consultation on the current redrafting of *Working Together To Safeguard Children* is focused primarily on Lord Laming's recommendations for improving practice in the wake of the Baby Peter case, but the consultation also states that it aims to "take account of changes to the policy and legislative landscape since the guidance was last revised in 2006".

Despite many submissions on the issue, Lord Laming did not address the fact that most physical abuse of children is perpetrated in a context of punishment or control and that there is a continuum of violence between the "mild" smack to a fatal beating. Perhaps as a result, *Working Together* does not address the topic of physical punishment at any point in the whole of its 300-plus pages of guidance on how best to safeguard and promote the welfare of children.

This extraordinary omission makes it difficult for Children Are Unbeatable! to respond to the consultation via the questions in the official consultation response form. However, lest the response form is our only route to being heard, we submit brief recommendations in relation to its set questions. A fuller submission, including recommendations and references, follows after and relates to all these short responses.

Question 1b) In relation to chapter 2, are their [i.e. those with responsibility for safeguarding] roles and responsibilities sufficiently clear? Please give any suggested additions.

Chapter 2 does not mention the new law on physical punishment (section 58 of the 2004 Children Act) and fails to discuss how this law affects the responsibilities of

¹ See full membership list at <http://www.childrenareunbeatable.org.uk/pages/supporters.php>

² See full document at:

<http://www.childrenareunbeatable.org.uk/pdfs/Statement%20on%20implementing%20equal%20protection%20for%20children.pdf>

safeguarding agencies. It should be noted that **no** government guidance or letter or leaflet on safeguarding has provided information on the new law or discussed the issue of physical punishment in relation to child protection.

Question 2 Does chapter 3 clearly set out the LSCBs' responsibilities to improve the outcomes of children? Please give any suggested additions.

The government's new policy on violence to children is to promote positive parenting and to actively discourage parents from using physical punishment.³ Chapter 3 fails to set out LSCBs' responsibilities in this important and highly relevant area of policy.

Question 7a) In relation to chapter 4, are the respective roles and responsibilities of employers, Children's Trusts and LSCBs in respect of staff training set out clearly enough? Please give suggestions about what else might assist providing clarity.

Staff training should include informing them about section 58 of the 2004 Act and how best to exercise their safeguarding responsibilities by actively discouraging parents and others *in loco parentis* from the use of physical punishment.

Question 8 In relation to chapter 5, is the focus on understanding what the child's daily life experiences and wishes and feelings are when undertaking an assessment of a child in need and intervening, including where they are suspected to be suffering significant harm, strong enough? Please give suggestions on how it could be strengthened.

This chapter should plainly contain explicit reference to assessing the child's daily life experiences of physical punishment by parents or other persons *in loco parentis*. We note that in the diagram on initial assessment (paragraph 5.37) under the side-heading "Parenting Capacity", the words "guidance and boundaries" appear. This is the only tiny and very indirect hint in the whole of this chapter that an exploration of parents' disciplinary methods ought to be part of a safeguarding assessment.

Question 17 In relation to chapter 9, have you any suggestions about additional research findings that should be referred to in this chapter? Please give your suggestions with references.

The chapter should refer to research (see pages 9-10 below) that shows, *inter alia*:
a) the central role of physical punishment in cases of serious abuse and
b) the many negative associations between physical punishment and children's healthy development.

Question 18 In relation to chapter 10, are there other aspects of working with children and families you think ought to be covered in this chapter? Please give any suggested additions.

The chapter should include encouragement to all safeguarding partners to actively promote non-violent discipline and, for example, to ensure that all their premises are made "smacking free zones" (as, for example, are all domestic violence refuges) where parents and those *in loco parentis* are not permitted to use physical punishment.

³ See, for example, the Government's evidence to the Committee of Ministers supervising the execution of the "A v UK" judgement of the European Court of Human Rights (e.g. the UK statement of 5.6.07) and its statement in *United Nations Convention on the Rights of the Child: Priorities for Action*, paragraphs 3.9 and 3.10.

Question 19 In relation to chapter eleven, are there other groups of potentially vulnerable children or categories of abuse which you think should be mentioned in this chapter specifically? Please give any additional suggestions.

The list of “essential safeguards” for children living away from home (paragraph 11.5) should include the safeguard that no placement is permitted to use any form of physical punishment. Under “Private Fostering” (paragraphs 11.10-16) local authorities should be advised to exercise their powers to place requirements on private foster carers by requiring them not to use physical punishment. Under “Children in Custody” (paragraph 11.27) the local authority should inform the staff that any allegation of physical punishment, including the use of pain to secure good order and discipline, will be treated as an allegation of child abuse (regardless of the fact that the law does not explicitly prohibit its use in secure training centres and the currently hazy guidance around the use of painful forms of “restraint” in custody). Under “Abuse of Disabled Children” (paragraphs 11.28-11.32) parents and carers should be told that the infliction of physical pain is never acceptable, whether as a means of punishment, control or “non-verbal communication”. Under “Domestic Violence” (paragraphs 11.45-50), wherever domestic violence is alleged agencies should investigate the use of physical punishment in the household and make clear that zero tolerance of violence includes any form of physical punishment.

Recommendations for the revision of Working Together

The government’s expressed wish is to avoid “criminalising parents” while at the same time making smacking an unacceptable practice. The following recommendations are in line with this policy, though – obviously - we consider it naïve and wrong. Smacking cannot become unacceptable while the law continues to defend it. In official statements the government welcomes the downward trend in the use of physical punishment by parents, suggesting a belief that physical punishment will disappear of its own accord. There is absolutely no evidence of this being likely. As it was with school corporal punishment, where the better schools abandoned the practice but a rump determinedly carried on caning until the law prohibited its use, so with parental physical punishment. It is precisely those parents who most need to stop smacking who will not, unless compelled or persuaded to do so.

Moreover, although opinion polls show a change in public attitudes to smacking (now less respectable, though still energetically supported by parts of the media) the last methodologically-thorough research into its prevalence was undertaken over a decade ago. ChildLine’s figures, however, give some indication of what is happening now. Physical abuse by adults is, consistently, the third most common reason that children call ChildLine (after bullying and family tensions) – over 20,000 calls on the subject a year, with more than one in three of those children reporting that they had been hit with implements, bruised or wounded and some saying they “deserved” being severely assaulted. These calls can only represent the tip of a huge iceberg. Only 4% of children calling ChildLine are below eight years – the age-group surveys show are the most subjected to physical punishment – and only 60% of children calling ChildLine manage to get through to a counsellor, owing to pressure on the lines. In any event children must first of all believe they will get help on the issue from ChildLine: given the legality and widespread acceptance of physical punishment they are likely to suffer it in silence. The Government is therefore confronted by a country where hundreds of thousands of children are being routinely hurt, humiliated and damaged by their parents’ and carers’ disciplinary methods.

So, first, we **recommend** this new version of *Working Together to Safeguard Children* ends the conspiracy of silence about physical punishment in the child protection world. The document should describe the dangerous continuum between physical punishment and serious child abuse, the potential harm to child development risked by all forms of physical punishment and how safeguarding agencies can best discourage its use. We have given some indication of what is missing in our short responses to the consultation questions above, but there is a lot more to be said – the document needs to be examined line by line in order to identify where and how the issue should be raised. (For example, the consultation does not ask about chapter 1, which we note fails to mention the need for non-violent forms of discipline in child-rearing when it talks about good parenting and the role physical punishment plays when it defines physical, emotional and sexual abuse.)

Second, we **recommend** that all those engaged in child protection – social workers, nurses, health visitors, doctors, early-years staff, teachers, YOTs workers – should be advised by *Working Together* to take active measures to discourage the use of any form of physical punishment (including “light” smacks). The existence of the legal defence under section 58 has to be recognised, but it should not be allowed to silence and paralyse the safeguarding workforce. While parents may have a legal defence against a criminal prosecution, this does not mean that they cannot be told not to hit their children. For example, parents in child protection cases have a legal right to refuse entry to their homes or access to their children, but this does not stop professionals asking to see their living quarters and to speak to their children. Of course parents can only be compelled to stop smacking by a specific court order (just as they can be ordered to give access to their home and child) but that is not the point. The point is that, even without a court order, safeguarding professionals have a huge influence on the behaviour of parents of children suspected of being at risk of significant harm. *Working Together* must encourage professionals to exercise this influence to stop parents – and partners, lodgers, relatives etc – hitting children. Parents must be informed that no smack is safe and that physical punishment is an unconstructive and unacceptable form of discipline, in line with the Government’s own guidance to parents.⁴

Third, we **recommend** that *Working Together* advises all the safeguarding agencies to make their own premises “smacking free zones” (and to encourage other premises, such as local community centres, GP surgeries or supermarkets, to follow suit). This, unlike telling parents not to smack, is entirely within the agency’s power and is already the practice of a number of organisations, such as some Sure Start centres and all domestic violence refuges. *Working Together* should aim for this to be a consistent and prominently publicised feature of all premises visited by children and families (logically accompanied by explanatory posters and leaflets on positive parenting). Aside from anything else, the amendment made to the definition of “harm” by section 20 of the Adoption and Children Act 2002, makes clear that harm includes the impairment suffered from seeing or hearing the ill-treatment of others. No child, but particularly no child who has experienced abuse, should be exposed to the sight of adults hitting children.

⁴ See, for example, Antrobus, L. (2009) *Being a parent in the real world: a supportive guide to being clear, staying calm and remaining confident*. Nottingham: DCSF

Fourth, we **recommend** that, notwithstanding the unhelpfulness of section 58 to effective child protection, the guidance ought to attempt (as it ought to have attempted in the previous version) to explain the new law, given practitioners have to deal with it on a daily basis and so far have received no information about it whatsoever. It is important that this explanation is accurate and includes the following facts about section 58 that are generally overlooked by the Government:

- It is for the prosecution, not the defence, to prove that a common assault of a child was not “reasonable punishment”. Since implementation of section 58 there has not been a single case (to our knowledge) where a common assault of a child has been successfully challenged as “unreasonable” punishment. The CPS has, however, reported a number of cases of serious assaults where the defence has been raised and the defendant has been acquitted or the prosecution abandoned.
- Anyone acting *in loco parentis* can use the defence for a common assault on a child, regardless of the parents’ wishes in the matter. People acting *in loco parentis* include anyone looking after the child, such as boyfriend, step-parent, relative, lodger or babysitter, and anyone teaching, caring for or entertaining the child (unless explicitly prohibited in law from using physical punishment).
- Punishments for which the defence can be raised do not just cover “mild smacks” – punishments can be frequent, painful, humiliating, risk serious injury or involve things like kicking, hair-pulling or making children eat unpleasant substances or stand in painful positions, but still only constitute a common assault⁵.
- While the defence of “reasonable punishment” is not permitted for offences of “child cruelty” (the word cruelty does not appear in the law) under section 1 of the Children and Young Persons Act 1933, it should be noted section 1 does not create an offence of strict liability. This means the prosecution has to prove a deliberate or reckless act (or failure to act). For example, ignorance or a genuine belief the punishment was benign are acceptable defences and “reasonable punishment” can still be put forward in explanation of the parents’ actions.⁶
- Sentencing guidelines to courts provide that where a parent is convicted of actual bodily harm, i.e. has caused more than transient and trivial injury, but intended “nothing more than lawful chastisement” they should get a light sentence, and if it can also be shown that the injury from the punishment was not reasonably foreseeable, then courts may consider a discharge the appropriate disposal.⁷

Why section 58 undermines effective child protection

In one sense it comes as no surprise that neither the previous nor the current draft of *Working Together* mentions section 58 of the Children Act 2004 Act, since legalised violence to children is completely antithetical to the concept of safeguarding and promoting their welfare, and to the concept of good parenting in which role-modelling and positive enforcement play such crucial roles. The truth is that section 58 is a huge, embarrassing flaw in the safeguarding system.

⁵ For example, the box explaining section 58 in DCSF booklet *Being a parent in the real world* (*ibid*) acknowledges that the defence may be raised acts “such as shaking a child, dragging a child by their hair, using a belt, cane, slipper or other implement.”

⁶ See Stone’s Justices’ Manual 2009 5-80, footnote 6 and *Reasonable chastisement research report*, Crown Prosecution Service, July 2007.

⁷ *Overarching principles: Assaults on Children and Cruelty to a child, Definitive Guidelines*, Sentencing Guidelines Council, February 2008, paragraphs 13 and 14

It is likely that few organisations responding to this consultation raised the issue of physical punishment. This should not, however, permit you to make any assumptions about the importance they give to this issue. The reasons are not because any of children's organisations are half-hearted about the issue (many have run passionate, well-funded campaigns and programmes of their own against physical punishment) and it is certainly not because physical punishment is irrelevant to safeguarding. Silence on the issue will be for three reasons. First because the first *Working Together*, its redraft and this consultation were limited by the recommendations of Lord Laming, who chose not to address the issue; second, because, having unsuccessfully opposed the introduction of section 58 and failed to influence its subsequent review, organisations have become pessimistic about the Government listening to them on the subject, and third because physical punishment seems to be the spectre at the feast: no-one ever talks about, though it is sitting right there.

As you will know, virtually all those engaged in safeguarding who responded to the review of section 58 thought that the new law was unhelpful to child protection – indeed only 1% of the respondents overall believed that children's legal protection had been improved by the new law. The following are from submissions made to the Government review of section 58 by some of the safeguarding organisations:

“Physical punishment tends to escalate: almost all physical abuse of children is administered in the context of punishment or control...”
(Sunderland LSCB);

“Section 58 compromises good practice and conversely, in some cases, encourages adults to be more clandestine making physical abuse harder to detect and prove.”
(British Association of Social Workers)

“Section 58 has added confusion in this area, for families and for those working with them. The only clear message it has provided is that ‘smacking’ is still lawful.”
(UNITE/Community Practitioners’ and Health Visitors’ Association);

“In one case uniformed police were involved in an incident where a child had been hit by a parent. As the parent had claimed they had chastised the child, the matter was not referred either to the police's child protection team or children's social care... The case eventually came to the attention of the social services...In the intervening period, the child was left to live with the abuse, and had no protection. In another case, where a child had been bruised by grabbing, the father said that he did believe in physically chastising his children and that he had every right to do so... it was difficult for the practitioners involved to question the belief, as it was a defence in law”
(City of York LSCB)

“Section 58 undermines our promotion of positive discipline – we have to sit on the fence by not condoning the actions but wanting to maintain our contact with the parents in the hope that our advice will encourage them to change their habits.” (Parentline Plus)

“I frequently find that children in anti-bullying workshops disclose that hitting takes place at home. It is not possible to teach children that violence is wrong when it is allowed and perpetrated by the very people who are supposed to offer them protection and love.”

(Young Voice respondent)

“The specific vulnerability of black and African Children needs to be highlighted. This is simply because black skin pigmentation and tone does not easily show bruising and marks unless extreme force is applied. Section 58 therefore hampers protection for children of black and African origin.”

(AFRUCA - Africans Unite Against Child Abuse)

“NCH runs a number of parenting programmes and has extensive experience of deterring parents from using physical punishment and encouraging positive, non-violent disciplines – Section 58 represents a real obstacle to this work. Another example is working with families where domestic violence is an issue. Section 58 makes it very difficult to send out a clear message of zero tolerance to violence.”

(NCH)

“Physical punishment is often used as a means to silence children. Removing the defence that section 58 provides would make it easier for children to identify abusive behaviour towards them...so they can speak up about being abused and hurt.”

(The Children’s Society)

In short, the existence of section 58 undermines effective child protection:

- because an escalation from mild smacking to serious assaults is an inherent (albeit not inevitable) feature of physical punishment;
- because physical punishment invades children’s physical integrity, making it a pathway to sexual abuse;
- because professionals working with families are unable to deliver clear messages that hitting and hurting children is not allowed;
- because children do not complain about something they are told is permitted and justified;
- because those witnessing violence to children have no confidence in either intervening themselves or reporting it to the authorities;
- because parents are receiving confusing messages about the legitimacy of hurting their children;
- because section 58 fails to protect children from painful, dangerous, humiliating or frequent assaults;
- because even the mildest smack sends children the message that hitting people is acceptable behaviour.

We are not making these points just to make those redrafting *Working Together* feel unhappy about the current law. Our aim is to persuade you to give the best guidance possible in this unsatisfactory state of affairs. As the National Safeguarding Children Association for Nurses said in response to the section 58 review, “The most effective means of promoting child health and welfare is to give a clear message that the use of

any physical force with children is an inappropriate method of behaviour management. In order for this message to be effective it must be delivered at a national level through clear Government policies.” We appreciate that guidance cannot change law, but it can and must try to ameliorate its pernicious effects.

Punitive hitting and hurting of children will not disappear while the law allows “reasonable punishment”. Both Baby Peter and Victoria Climbié were smacked and smacked and smacked again by their carers before the assaults became lethal. Countries where smacking has been abolished have experienced a decrease in both mild punishments and punishments causing serious injuries to children.⁸ The existence of section 58 shames this country, but while it exists there is an obligation by all members of the child safeguarding world to do whatever is possible in the circumstances to stop children experiencing any form of violent punishment.

Research findings

Physical punishment and cases of serious harm

Historically, the relationship of physical punishment to serious child abuse has been overlooked by researchers in the UK, and to a lesser extent by researchers in other countries. The explanation cannot be that physical punishment plays no part in child deaths and serious injuries – it was, for example, all too present in the notorious killings of Baby Peter, Carla Bone, Victoria Climbié, Lauren Wright, Sukina and Kimberley Carlile. A possible explanation is that researchers, like most people, have until very recently thought physical punishment an acceptable practice, and may well have smacked their own children.

One relatively modest study was undertaken in the UK in 2001, when the NSPCC surveyed the experiences of nearly 200 of its own professionals. Nine out of ten had been involved in one or more cases where physical punishment had been a reason for the child being placed on the child protection register; six out of ten felt that, around half or more of the time, parents try to excuse their abusive behaviour as “reasonable chastisement”; 46% thought that at least half their physical abuse cases started with “light smacks” which became harder and harder hitting.⁹

More substantial findings from overseas are outlined in the following extract from an article in 2005 in the international journal *Child Abuse and Neglect*:¹⁰

“While it is sometimes argued that corporal punishment and physical abuse are two distinct phenomena, there is a considerable amount of evidence demonstrating that most abuse is physical punishment. For example, Gil, in a national US study of all cases of child physical abuse reported during a 2-year period, found that the most common type of abuse involved ‘incidents

⁸ See for example *Never Violence – Thirty Years on from Sweden’s Abolition of Corporal Punishment*, Government Offices of Sweden and Save the Children Sweden 2009, p 16 and *The Subtle Impact of a Ban of Corporal Punishment in Childrearing. Results of the Evaluation of the German Prohibition*, by Prof Kai-D Bussmann in *Child Abuse Review*”, Vol. 13, 292-311 (2004), pp 295-6..

⁹ *The Guardian* December 29 2001

¹⁰ Ateah C A and Durrant J E (2005), *Maternal use of physical punishment in response to child misbehavior: implications for child abuse prevention*. *Child Abuse & Neglect* 29, 169–185

developing out of disciplinary action taken by caretakers'.¹¹ In an extensive examination of substantiated cases of nonsexual abuse by parents, Kadushin and Martin found that the abuse 'almost invariably' occurred within the context of a disciplinary interaction.¹² These findings are not unique to the United States. For example, a nation-wide Canadian study of a representative sample of 7,672 child maltreatment investigations carried out in 1998 demonstrated that the majority of substantiated cases of child physical abuse occurred in the context of punishment.¹³ Similar findings have been obtained in studies carried out in Finland¹⁴ and Hong Kong.¹⁵

Escalation from smacking to serious abuse is a predictable feature of physical punishment. In 2002 Elizabeth Gershoff conducted a meta-analysis of 88 studies on the effect of "ordinary" corporal punishment (i.e. not "abuse") which showed a strong consensus on the many negative outcomes (see below).¹⁶ The only "positive" outcome, identified in one large study (though not in two smaller ones), was that physical punishment could be effective in gaining the child's immediate compliance.¹⁷ However it is precisely this apparently "successful" aspect of corporal punishment that creates the escalation from smacking to serious abuse – although smacking may initially stop children misbehaving, it has been shown not to make them behave well in the long term, and so they must be smacked again, harder, when the behaviour occurs again.¹⁸

The only safe advice to parents is not to smack at all. Advising them to "avoid smacking if you can" or "only use it as a last resort" is liable to have the perverse result of encouraging its use. This is because young children have a limited ability to control their own behaviour and will almost inevitably fail sometimes to do something that they have been repeatedly told to do and so after repeated exhortations parents are liable to conclude that smacking can't be avoided and the last resort has been reached.

The negative effects of physical punishment on child development

As regards the effects of physical punishment on children, the Gershoff meta-analysis referred to above showed that physical punishment has many negative associations,

¹¹ Gil D G (1979). *Unraveling child abuse*. In D G Gil (Ed.), *Child abuse and violence* (3–17). New York: AMS Press

¹² Kadushin A and Martin J A (1981). *Child abuse: An interactional event*. New York: Columbia University Press, p.249

¹³ Trocme N and Durrant J (2003), *Physical punishment and the response of the Canadian child welfare system: Implications for legislative reform*. *Journal of Social Welfare and Family Law*, 25, 39–56.

¹⁴ Peltoniemi T (1983), *Child abuse and physical punishment of children in Finland*. *Child Abuse & Neglect*, 7(1), 33–36

¹⁵ Samuda G M (1988), *Child discipline and abuse in Hong Kong*. *Child Abuse & Neglect*, 12, 283–287

¹⁶ Gershoff E T (2002), *Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review*. *Psychological Bulletin*, 128(4), 539–579

¹⁷ Bean A W and Roberts M W (1981), *The effect of time-out release contingencies on changes in child noncompliance*. *Journal of Abnormal Child Psychology*, 9, 95–105; Day D E. and Roberts M W (1983), *An analysis of the physical punishment component of a parent-training program*. *Journal of Abnormal Child Psychology*, 11, 141–152; Roberts M W and Powers S W (1990), *Adjusting chair timeout enforcement procedures for oppositional children*. *Behavior Therapy*, 21, 257–271

¹⁸ American Academy of Pediatrics *Guidance for effective discipline*, AAP Policy Statement (reaffirmed 2004) *Pediatrics* 101(4) April 1998, 723–728

such as eroded parent-child relationships, weak internalisation of moral standards, increased child aggression, violence in later life and poor mental health. For example, twelve of the studies examined the relation of physical punishment to mental health problems of children, such as anxiety and depression, and eight examined its relationship to mental health problems in later life; without exception, these 20 studies revealed that physical punishment was associated with an increased probability of mental health problems. Thirteen studies investigated antisocial behaviour: in 12 of the 13 studies physical punishment was found to be associated with a higher probability of delinquent and anti-social behaviour. The same near unanimity (four out of five) was found for studies of the relation between experiencing physical punishment as a child and later adult criminal behaviour. Since the meta-analysis in 2002 a number of other studies have been published on physical punishment confirming these undesirable outcomes or associations.

The drafters of chapter 11 will appreciate the impossibility of “proving” any of the research findings they quote, because child development and child protection are not susceptible to randomised blind controlled trials. However they must recognise the weight and reliability of the evidence against physical punishment far outweighs the findings invoked by those in favour of physical punishment. For example much media attention was given earlier this year to research purporting to study over 2,600 adults which found that children who were smacked between the ages of 2 and 6 were more likely “to do well at school, do more volunteer work and go to university” than those that were not.¹⁹ In fact it turns out that this research, which failed peer review, only studied the self-rated behaviour of 177 high school students (of which 42 said they had not been smacked). Insofar as it showed anything, it showed that smacking after the age of six, and particularly after 11, was likely to make children significantly more violent. It did not show that smacking is good for children, although that is how it has been portrayed.

None of the “pro-smacking” lobby claims that that smacking is actively beneficial or necessary; they simply say that “safe spansks” do no harm. “Safe spansks” are defined as open-handed smacks on the bottom or extremities of a child aged between two and seven, so long as they are not perpetrated in anger or stress or over-frequently. Children Are Unbeatable! does not agree that hitting someone to control or punish them is ever appropriate behaviour to model to children, or that any smacks to bottoms or extremities can be guaranteed to be safe, but in any event it is a bit like saying that smoking one or two cigarettes does no harm – possibly true, but not worth the risk of progressing to becoming a heavier smoker with a high likelihood of contracting a smoking-related disease. No smack is safe.

We are submitting these points because of emphasis rightly given to research evidence by the government. Nonetheless it should be stressed that even if there were no studies showing adverse effects from physical punishment, it would still be wrong and a breach of children’s human rights to protection from all forms of violence and equality under the law²⁰.

¹⁹ See, for example, *The Daily Mail*, *The Express*, *the Daily Telegraph* and *Sunday Times*, of January 3 and 4 2010.

²⁰ For information on the UK’s human rights obligations see the Children Are Unbeatable! website <http://www.childrenareunbeatable.org.uk/pages/info.html>