

Why laws on child discipline are hit and miss



Councils and devolved authorities need to beware. The trend towards over-reach on child discipline threatens to create more standoffs between officialdom and parents, as **Claire Fox** explains

The tragic death of baby Charlie Gard ended months of international debate about a complex moral case. Who didn't feel for the tragic parents, grasping at any sliver of hope? Or understand the public disquiet when the courts stopped Charlie's parents removing him from hospital to access experimental medical treatment in America? The case touched a raw nerve. When does the state have the right to over-rule parental decisions about their own child?

Medics at Great Ormond Street showed great sensitivity to Charlie's parents. They understood one cannot be cavalier about over-ruling parental wishes. This may seem far removed from more mundane, everyday decisions about the state's jurisdiction over children versus parental freedom, but councils contend with such ethical questions all the time.

Historically, councils recognised state intervention into family life should be rare, proportionate and handled with due respect. But councils and devolved authorities have become more gung-ho.

They need to beware; an increasing trend towards over-reach threatens to create more standoffs between officialdom and parents.

In Scotland, the SNP lost popular credibility by pushing through its Named Person legislation. Its creation of state-appointed guardians for every Scottish child was due to come into force last August. It was delayed after an appeal when the Supreme Court ruled that sections covering information-sharing broke the law. Even with changes, many distrustful parents are still anxious: what happens if state guardians' priorities clash with their own child-rearing preferences? Will the minority of children who may suffer serious harm at the hands of their parents be missed in a policy that monitors all families, regardless of need?

This is one reason why I am nervous about

the Welsh Government's decision to use its new powers under the Wales Act to remove the legal defense of 'reasonable chastisement' for parents who smack their children. This legislation could mean thousands of Welsh parents will be vulnerable to charges of common assault, an offence that can carry a six-month jail sentence.

Social policy expert Dr Ashley Frawley rightly warns that this criminalisation of parenting might open the floodgates to thousands of minor incidents being reported to overwhelmingly stretched police and social services.

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Once again parents feel they are being treated as objects of suspicion. The new parents' campaign group Be Reasonable Wales is calling on the Welsh Government to scrap their plans, citing a ComRes poll of 1,000 people showing almost 70% agree 'it is at times necessary to smack a naughty child'.

Lowri Turner, one mother backing the campaign, fears the law will paint ordinary parents as 'no better than violent thugs and child abusers' by implying 'a gentle smack on the back of the legs from a loving mum is the same as beating up your kids'.

Indeed, anti-smacking crusaders routinely use the rhetorical trick of conflating smacking with acts of violence. Wales Children's Commissioner Sally Holland has responded to Be Reasonable by stating she was 'disappointed and saddened' people would actively campaign for their 'right to hit children'. Andy James, chairman of Children

are Unbeatable, told BBC Radio Wales: 'Children should have the same protection from the law that we enjoy as adults.'

Do we really believe children should not be treated differently to adults or never be punished? In the real world, parents do many things to their children that they wouldn't do to another adult, from ordering them to bed to checking they have cleaned their bottom.

Officials who paint parents who might occasionally smack akin to violent criminals shamefully distort intentions and context. To note: violence is physical force intended to injure. In contrast, as a parent, if you smack little Suzy for being naughty, you have absolutely no intention of causing injury. Rather, you want to teach your child right from wrong, because you love them. And parents are better placed to judge when and how to discipline their offspring.

The anti-smacking crusade justifies itself as part of promoting the Welsh Government's 'wider work to promote positive parenting'. This suggests there is a state-approved parenting model that should trump parental judgement. Yet when the Local Government Association published its report, *Working to support positive parenting and relationships – What can councils do?*, it admitted 'there is no fail-safe set of instructions'. It sensibly concludes: 'This is not about dictating to people how to parent and conduct themselves'. Good, because policies that stigmatise parental discipline are unhelpful precisely because they try to dictate conduct to parents, more likely to demoralise than give positive support. Councils might show some humility when 'supporting' parenting. No amount of good practice checklists or case studies will better the genuine care and love of real parents for their children. ■

Claire Fox is director of the Institute of Ideas

soapbox



By Ben Page

As it's August, and many of you are on a beach somewhere, I thought I would sneak in some of my commandments for a peaceful life in local government. It is not exhaustive, but it may help, some of it inspired by recent news stories.

1. Pavements and potholes matter. I know that there are huge challenges in social care, but unless you do something heinous, you will stay out of trouble with the public who are confused about what your responsibilities versus the NHS, or their own responsibilities are. Only 5% or so actually directly use social care services. In contrast road and pavements remain the British obsession, and have the highest level of dissatisfaction with all services.

2. Avoid prosecuting children for lemonade stands, or small businesses for minor infractions of planning or trading standards rules. The negative PR will be worse than the problem. Same goes for conker trees, Christmas decorations, Christmas generally etc. Avoid arguments about flags at all costs.

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3. Try and keep members' spending on themselves in check. I know they do a thankless task, in many cases for very little money, and are twice as trusted as Westminster politicians, but the easiest hit of all is a new modest limo at a time when the public are feeling the pinch. Do not let them say sniffing white powder off toilets was due to someone putting something in their drink.

4. Be nice, be available and listen to people.

5. Tell the story about your authority. What it is, what you stand for and your key visible goals – rather than being obsessed about process.

6. Break any of the above rules rather than do something outright barbarous (apologies to Orwell).

Have a great break. ■

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