

PHYSICAL CHASTISEMENT

PHYSICAL CHASTISEMENT – CLARIFICATION FOR PARENTS

The laws surrounding smacking, slapping, or hitting a child are often in the news. You may already know that it is illegal for a teacher to smack or hit a child, but are you clear on whether you as a parent can do this?

SMACKING YOUR OWN CHILD

It is not illegal for a parent to hit their child if the 'smack' amounts to 'reasonable punishment'. There is, therefore, a difference between punishment and what can feasibly be termed 'abuse'. Unreasonable punishment is classed as a smack that leaves a mark on the child, or the use of an implement to hit the child, such as a belt or cane. A parent can give another person consent to use reasonable punishment on their child, such as a babysitter or grandparent.

CRIMINAL OFFENCES

So where do you draw the line between assault – a criminal offence – and reasonable punishment? And what happens if the discipline is seen as Child Cruelty in criminal legal terms? Common assault is chargeable by the Crown Prosecution Service if it amounts to scratches, minor bruising, grazes, red skin, a black eye, or superficial cuts.

Actual bodily harm could be a broken or lost tooth, broken nose, minor cuts (more than merely superficial), a loss of consciousness, serious bruising, or minor bone fractures, as well as emotional damage that amounts to a psychiatric injury.

Grievous bodily harm requires a compound fracture, injuries that cause a substantial amount of blood loss (requiring a transfusion), a visual disfigurement, injuries that result in permanent disability, or 'wounding' that breaks both the inner and outer layers of the skin. Again, this could include psychiatric injury.

Grievous bodily harm with intent is the most serious (before attempted murder) and carries a maximum sentence of life imprisonment. This would be the right charge if a parent wounded their child with intent, unlawfully, maliciously, and intentionally, or caused grievous bodily harm to another person.

WILL SMACKING EVER BE BANNED?

The NSPCC and other children's charities have been rigorously campaigning for a total ban on smacking. This has not yet come in to force and is unlikely to do so for the foreseeable future. It would also be very hard to enforce within private homes and reinforces recent government criticism about the 'nanny state'. Views are divided, but critics of the current law say that it violates the rights of a child not to have recourse to having suffered an assault.

How to discipline without smacking – some suggestions will be more appropriate for one age group than another

- 👑 Give love and warmth as much as possible.
- 👑 Have clear simple rules and limits.
- 👑 Be a good role model.
- 👑 Praise good behaviour so it will increase.
- 👑 Ignore behaviour you don't want repeated.
- 👑 Criticise behaviours, not your child.
- 👑 Reward good behaviour with hugs and kisses
- 👑 Distract younger children.
- 👑 Use humour.
- 👑 Allow children some control, joint decisions, choices.
- 👑 If a punishment is necessary, the removal of privileges, 'time out' or natural consequences are better.

If you'd like further information on this topic, this is good place to start...

www.childlawadvice.org.uk/information-pages/the-law-on-smacking-children