

## **OPINION**

**Amend the Children's Wellbeing and Schools Bill to protect children from assault**

**The Children's Wellbeing and Schools Bill is an important opportunity to finally  
remove the defence of reasonable punishment of children in England, write**

**Andrew Rowland and Grace Hastie**

### **Authors**

Andrew G Rowland<sup>1,2,3</sup>, Honorary Professor

Grace Hastie<sup>3</sup>, Policy Manager

Provenance: not commissioned, not externally peer reviewed

### **Affiliations**

**1** School of Health and Society, University of Salford, Salford, UK

**2** Manchester University NHS Foundation Trust, Manchester, UK

**3** Royal College of Paediatrics and Child Health, London, UK

### **Declarations of interest**

**AGR** is Honorary Professor (Children's Rights, Law, and Advocacy) at the University of Salford; Consultant Paediatrician at Manchester University NHS Foundation Trust; Lead Employer Medical Director at Mersey and West Lancashire Teaching Hospitals NHS Trust; Chair of the Board of Trustees of SickKids (registered charity 1164131); a member

of the Advisory Council of the Churchill Fellowship; a non-Executive Member of the Board of Directors of M'Lop Tapang (Cambodia); and Officer for Child Protection at the Royal College of Paediatrics and Child Health (RCPCH). AGR has received expenses from the RCPCH in relation to meeting attendance, but no speaking fees. AGR is not a member of any political party.

**GH** is Policy Manager (Child Protection, Ethics, and Law) at the RCPCH.

## **OPINION**

The Children's Wellbeing and Schools Bill has now come before the UK parliament **[1]**.

The Bill positively recognises the education sector as an important partner in child protection and, encouragingly, proposes the formation of multi-agency child protection teams. Yet, there is a glaring missed opportunity to improve the wellbeing of children for generations to come. The failure of this Bill to introduce equal protection from assault for children in England **[2]** will prevent it from protecting them. This also conflicts with the Bill's aim to improve children's wellbeing, continues the inconsistency of the law in England with international children's rights **[3]**, and perpetuates an intergenerational cycle of violence towards children. Proposed amendments to the Bill offer a chance for this to be changed.

Physical punishment of children undoubtedly harms their health, wellbeing, development, and behaviour on an individual and population basis **[4, 5]**. Failure to legislate for equal protection from assault and remove the "reasonable punishment defence" to battery of a child in England leaves them behind Scotland, Wales and the

67 other countries around the world where physical punishment of children is completely prohibited [6,7]. Lack of legislation means the health and wellbeing of children will continue to be threatened by violence.

All is not lost. In the spring of 2025, signs of opportunity have emerged within the consideration of the Bill [1] which offer potential for real and lasting change.

Amendments have been submitted (New Clause 8 and Amendment 3) to the Bill in the House of Commons which, if accepted and incorporated into the Bill, would finally remove the reasonable punishment of children defence in England [8].

The proposed amendments could drastically improve children's health and wellbeing and are, at their heart, public health interventions. They will simplify the child protection processes in England and make it much easier for professionals, statutory agencies, and third sector groups to contribute to the eradication of physical punishment of children. The amendments will help professionals to move forwards with families where physical punishment has been used because they will have a firm legislative basis: there would be no circumstances in which physical punishment of children is lawful. This will give professionals the solid foundation they need rather than the ambiguity that currently exists because there are some circumstances where physical punishment might not be unlawful.

Evidence from countries that have legislated to prohibit the physical punishment of children in all circumstances shows that the usage of physical punishment decreases

after legislation is introduced— including in Germany, Romania, Sweden, and Finland [9].

To protect children, these amendments to the Bill must be incorporated and parliamentarians must vote for them. Efforts to reduce the incidence of child abuse in England need clear legislation which unambiguously states that physical punishment of children is never permitted [10]. Health professionals have an important role as advocates for vulnerable people who may not have a voice. Professionals can encourage their elected representatives to support these changes and contribute to the development of health information for the public about physical punishment; its adverse effects, the alternatives and any legislation that is brought in. These amendments and the revised Bill could be a once-in-a-generation opportunity to fundamentally change the way society treats children. The Bill is the first child-centred draft legislation in over a decade and this opportunity must not be lost.

The position of a society that forbids child abuse but has a legal defence for the physical punishment of children is untenable. The government has a chance to change that now. It is time to finally give children in England the full and equal protection from assault that they need and deserve.

## **References**

[1] UK Parliament. Children's Wellbeing and Schools Bill. Government Bill. Available from <https://bills.parliament.uk/bills/3909> [Accessed 25 February 2025]

**[2]** Rowland AG. Clarity in the law is needed to stop physical punishment of children. *bmj*. 2024 Apr 25;385.

**[3]** United Nations (1989). Article 19, Convention on the Rights of the Child.

**[4]** Heilmann A, Mehay A, Watt RG, Kelly Y, Durrant JE, van Turnhout J, Gershoff ET. Physical punishment and child outcomes: a narrative review of prospective studies. *The Lancet*. 2021 Jul 24;398(10297):355-64.

**[5]** Fussey E, Gerry F, Herbert B, S Havighurst, D Higgins, Schaff O, Rowland AG (2024). Equal Protection from Assault in England and Northern Ireland: The Health, Education and Legal Case for legislative change to remove the “reasonable punishment” defence and to prohibit all physical punishment of children. London (UK): Royal College of Paediatrics and Child Health. Available from <https://www.rcpch.ac.uk/resources/equal-protection-from-assault-england-and-northern-ireland> (accessed 25 January 2025).

**[6]** End Corporal Punishment. Global Countdown. Available from <https://endcorporalpunishment.org/countdown/> (accessed 25 January 2025).

**[7]** Section 58, Children Act 2004. Available from <https://www.legislation.gov.uk/ukpga/2004/31/section/58> (accessed 25 January 2025).

**[8]** Children's Wellbeing and Schools Bill Amendment Paper 17 March 2025. Available from [https://publications.parliament.uk/pa/bills/cbill/59-01/0177/amend/children\\_day\\_rep\\_0317.pdf](https://publications.parliament.uk/pa/bills/cbill/59-01/0177/amend/children_day_rep_0317.pdf)

(accessed 18 March 2025).

**[9]** End violence against children and End corporal punishment. The positive impact of prohibition of corporal punishment on children's lives: messages from research.

Published online March 2023. Available from <https://endcorporalpunishment.org/wp-content/uploads/2023/03/The-positive-impact-of-prohibition-of-corporal-punishment-on-children.pdf> [accessed 16 February 2025].

**[10]** Rowland AG, Gerry F, Stanton M. Physical Punishment of Children. The International Journal of Children's Rights. 2017;25(1):165-9.