

NSPCC Policy Briefing – Public Attitudes on Equal Protection

EXECUTIVE SUMMARY

February 2022

Key Points

- There is overwhelming evidence that physical punishment is not effective in managing children's behaviour, is linked to a range of negative outcomes for children and is a key risk factor for physical abuse;
- A survey of public attitudes carried out by NSPCC Northern Ireland found that 65% of adults and 71% of parents support legal reform, with only 14% of adults and 8% of parents considering physical punishment an acceptable form of discipline;
- The Northern Ireland Executive must urgently remove the defence of 'reasonable punishment'. Legal reform must be accompanied by public awareness campaigns and better positive parenting information and support for families in Northern Ireland.

This policy briefing provides a summary of the current policy context and research on the issue of physical punishment of children and reports the findings of NSPCC's recently commissioned survey of public attitudes about this issue in Northern Ireland, based on questions previously developed, adapted and used by the Northern Ireland Commissioner for Children and Young People (NICCY) in 2017.ⁱ

In Northern Ireland, both common and statute law still permit the use of physical punishment by parents or those caring for a child, by enabling them to raise a defence of 'reasonable punishment', as set out within the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006.

Physical punishment is harmful to children and ineffective in changing their behaviour in the long term.ⁱⁱ Research evidence is clear that physical punishment damages children's wellbeing and is linked to poorer outcomes in childhood and adulthood. Strong evidence exists that physical punishment increases aggression, antisocial behaviour, depression and anxiety in children, which may continue into their adult lives.ⁱⁱⁱ Physical punishment is also among a range of important risk factors for child physical abuse.^{iv} Physical assault was a major concern in the lives of many children across the UK who died as a result of maltreatment.^v Evidence shows that the removal of the legal defence is associated with accelerated declines in the prevalence of physical punishment as well as reductions in severe physical abuse.^{vi}

The pandemic and resultant lockdowns have increased the risks which children face. NSPCC figures show that since lockdown began, there was an increase in contacts to Childline from across the UK about physical abuse, with many children unsure if what they are experiencing is physical punishment or abuse, and most describing an escalation in the severity of

violence towards them. By removing the defence of reasonable punishment, the Northern Ireland Executive would be sending a clear message to children that their protection matters, placing babies, infants and children at the heart of its response to recovery post-Covid.

Removing the defence would bring us in line with 63 other countries. In Wales, legal change is underway and the law has already changed in the Republic of Ireland, Scotland and Jersey; leaving children in Northern Ireland with less protection from assault than their peers in other parts of the UK and Ireland.

Key Findings from NSPCCs Survey of Public Attitudes on Equal Protection

- Only 25% of adults who took part in our survey and 23% of parents stated that they think physical punishment is an effective form of discipline.
- Only 14% of adults surveyed and 8% of parents think that physical punishment is an acceptable form of discipline.^{vii} Physical punishment was the least acceptable form of discipline or punishment (14%).^{viii}
- The majority of both adult (65%) and parent respondents (71%) would support legal reform in Northern Ireland, to give children equal protection under the law. Support for legal reform is widespread and from across the electorate: 50% of TUV affiliates, 56% of DUP affiliates, 65% of UUP affiliates, 66% of Sinn Féin affiliates, 68% of Alliance Party affiliates, 82% of SDLP affiliates, and 86% respondents who affiliate with the Green Party, stated that they would support legal reform.
- A large majority of adult (70%) and parent (74%) respondents would be more likely or much more likely to support legal reform in Northern Ireland if they were provided with [more] information and support on how to manage children's behaviour effectively. Again, support for legal reform comes from across the electorate: 56% of TUV affiliates, 67% of Green Party affiliates, 73% of DUP affiliates, 74% of UUP affiliates, 76% of Alliance Party affiliates, 80% of Sinn Féin affiliates, and 86% of respondents who affiliate with the SDLP, would be more likely to support a change in the law if parents and carers received [more] information and support to help manage children's behaviour effectively.
- 72% of adult and 75% of parent respondents^{ix} said they would be more likely to support a change in the law if they were assured that parents could still physically intervene to protect a child from immediate danger (e.g. running across a road).
- 60% of adult and 62% of parent respondents^x said they would be more likely to support a change in the law if the proposed legal change was well publicised.

- Only 40% of adults and 45% of parents who took part in the 2022 survey were aware that the law allows parents and carers to physically punish their child.
- Only 33% of parents who responded to the 2022 survey reported that they had received information on positive parenting.^{xi}
- The most common sources for information on positive parenting were a parent or children's group (42%), followed by schools (27%) and health visitors (26%). 12% of parent-respondents said the information came from either a GP or social worker respectively, while 19% couldn't remember the source.

Read in conjunction with the existing research evidence, the messages from the 2022 survey are clear. Neither parents nor adults believe that physical punishment is an acceptable form of discipline, nor do they think it is effective in managing children's behaviour. There are low levels of public awareness of the law relating to physical punishment and overwhelming support from the parents and adults surveyed for legal reform in Northern Ireland. Parents would be even more likely to support legal reform if they had assurances that they could intervene to keep children safe, the change was well-publicised, and they received support and information on managing children's behaviour effectively. This is something that the vast majority of parents have not received. The Government must listen to parents, reform the law and give them the information and support they clearly require, in line with its commitments on positive parenting.

Recommendations

The NSPCC recommends that:

- **The Northern Ireland Executive urgently removes the legal defence of reasonable punishment in Northern Ireland to give children equal protection from assault as adults.**
- **Legal reform to remove the defence of reasonable punishment should be an integral part of the Northern Ireland Executive's response to aid the recovery of children and families from the impact of the pandemic.**
- **Legal reform should be accompanied with public education and awareness-raising initiatives to make parents aware of the law.**
- **Parents should be given clear assurances that they can intervene to protect their children from harm and information and support should be provided for parents on non-physical means of discipline, including positive parenting.**
- **The anticipated 'Family and Parenting Support Strategy' should provide the policy driver for change by setting measurable targets regarding public education and enhanced support for parents on positive parenting.**

ⁱ NICCY (2017) Changing Perceptions: Equal Protection for Children. NICCY's work and survey results on attitudes to physical punishment. Belfast: NICCY. Changing Perceptions: (niccy.org)

ⁱⁱ Gershoff, E.T. and Bitensky, S.H. (2007): The case against corporal punishment of children – Converging evidence from social science research and international human rights law and implications for US public policy. *Psychology Public Policy and Law*, 13(4), 231–272; 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.

ⁱⁱⁱ Heilmann, A., Kelly, Y. and Watt, R.G. (2015) Equally Protected – A review of the evidence on the physical punishment of children. Edinburgh: Children and Young People's Commissioner Scotland, Children 1st, Barnardo's Scotland, NSPCC Scotland. Equally Protected? a review of the evidence on the physical punishment of children (nspcc.org.uk)

^{iv} Gershoff E.T. and Bitensky, S.H. (2007): The case against corporal punishment of children – Converging evidence from social science research and international human rights law and implications for US public policy. *Psychology Public Policy and Law*, 13(4), 231–272; 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.

^v House of Commons – Education Committee – Children first: the child protection system in England: Written evidence submitted by Children Are Unbeatable! (parliament.uk)

^{vi} Zolotor AJ, Puzia ME (2010): Bans against corporal punishment: a systematic review of the laws, changes in attitudes and behaviours. *Child Abuse Review*, 19(4), 229–247.

^{vii} Compared to 17% who were not parents, guardians or carers of children under the age of 18.

^{viii} In NICCY's survey results, it was the second least acceptable form of discipline or punishment.

^{ix} Versus 69% of non-parents/guardians/carers.

^x Versus 58% of non-parents/guardians/carers. It should be noted that this finding was not statistically significant.

^{xi} Responding to a question asking if they had ever previously been given any information about or alternatives to physical punishment. 'Positive parenting' was described to respondents as using *'techniques such as positive reinforcement, time out and other techniques to help deal with children's behaviour'*.

NSPCC Policy Briefing – Public Attitudes on Equal Protection

Introduction

The NSPCC is the leading children’s charity fighting to prevent child abuse in the UK and Channel Islands. We help children who have been abused to rebuild their lives, protect those at risk, and find the best ways of preventing abuse from ever happening. To achieve our vision, we:

- Create, deliver and evaluate services for children which are innovative, distinctive, and demonstrate how to enhance child protection;
- Provide advice and support to ensure that every child is listened to;
- Campaign for changes to legislation, policy, and practice to ensure the best protection for children; and
- Inform and educate the public to change attitudes and behaviours.

This policy briefing provides a summary of the current policy context and research on the issue of physical punishment of children. The paper examines the question of legal reform to provide children in Northern Ireland with equal protection from assault as adults. The NSPCC believes that this is a key public protection issue, and recently commissioned Social Market Research (SMR) to undertake a survey of public attitudes about this issue in Northern Ireland, based on questions previously developed, adapted and used by the Northern Ireland Commissioner for Children and Young People (NICCY) in 2017.¹ The 2022 survey results are incorporated within this paper.²

In Northern Ireland, both common and statute law still permit the use of physical punishment by parents or those caring for a child, by enabling them to raise a defence of ‘reasonable punishment’, as set out within the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006.

The NSPCC, alongside a wide coalition of organisations, wishes to see legislative reform in order to give children equal protection from assault as adults.³ Legal reform can be taken forward through a legislative amendment to remove the legal defence of ‘reasonable punishment’. Removing the defence would bring us in line with 63 other countries. In Wales, legal change comes into force in March, and the law has already changed in the Republic of Ireland, Scotland and Jersey; leaving children in Northern Ireland with less protection from assault than their peers in other parts of the UK and Ireland.

We believe that legislative reform is required as a matter of urgency, as set out below.

¹ NICCY (2017) Changing Perceptions: Equal Protection for Children. NICCY’s work and survey results on attitudes to physical punishment. Belfast: NICCY. Changing Perceptions: (niccy.org)

² The survey results are based on 1010 interviews with the Northern Ireland general public aged 18+, including 460 parents. The survey was conducted using an online panel methodology with results representative of the NI adult population. The survey had a margin of error of +/-3.1% (at most). Fieldwork was conducted between 29 December 2021 and 7 January. The SMR report which contains full details and results is available on request by emailing policy&publicaffairsni@nspcc.org.uk

³ For further details, please see: Equal Protection Campaign (niccy.org)

Physical punishment is harmful to children and ineffective

There are many compelling arguments for removing the defence of reasonable punishment of children, not least that physical punishment is harmful to children and ineffective in changing behaviours in the long term.⁴ The research evidence makes clear that physical punishment damages children's wellbeing and is linked to poorer outcomes in childhood and adulthood. A 2015 international literature review⁵ found strong evidence that physical punishment increases aggression, antisocial behaviour, depression and anxiety in children, which may continue into their adult lives. Harsh forms of discipline can have long-lasting impacts on future behaviour and mental health. Research from Harvard University in 2020⁶ found that physical punishment experienced by very young children predicted reductions in cognitive development. Most recently, a review published in The Lancet reinforced these messages, finding that physical punishment does not have any positive impact on children, and instead, increases behavioural problems over time, and increases the risk of children experiencing severe violence or neglect.⁷

A wealth of research shows that the use of physical punishment is ineffective in changing the behaviour of children in the long term and can be extremely damaging for children's development.⁸ The 2022 survey findings support the evidence base regarding ineffectiveness. **Only 25% of adults who took part in our survey and 23% of parents stated that they think physical punishment is an effective form of discipline. 60% of survey respondents said that physical punishment is not an effective way to manage behaviour, with 15% undecided. Parent respondents were more likely to view physical punishment as not effective in managing children's behaviour (67%), and 10% of parent respondents were undecided.**⁹

⁴ Gershoff, E.T. and Bitensky, S.H. (2007): The case against corporal punishment of children – Converging evidence from social science research and international human rights law and implications for US public policy. *Psychology Public Policy and Law*, 13(4), 231-272; 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.

⁵ Heilmann, A., Kelly, Y. and Watt, R.G. (2015) Equally Protected – A review of the evidence on the physical punishment of children. Edinburgh: Children and Young People's Commissioner Scotland, Children 1st, Barnardo's Scotland, NSPCC Scotland. Equally Protected? a review of the evidence on the physical punishment of children (nspcc.org.uk)

⁶ Cuartas J., McCoy, D.C, Grogan-Kaylor, A. and Gershoff, E. (2020) Physical Punishment as a Predictor of Early Cognitive Development: Evidence From Econometric Approaches. *Developmental Psychology*, 56(11): 2013–2026. doi:10.1037/dev0001114.

⁷ Heilmann, A., Mehay, A., Watt, R.G., Kelly, Y., Durrant, J.E., van Turnhout, J. and Gershoff, E.T. (2021) Physical punishment and child outcomes: a narrative review of prospective studies. *The Lancet*, 398 (10297) pp. 355-364. 10.1016/S0140-6736(21)00582-1

⁸ Gershoff, E.T. and Bitensky, S.H. (2007): The case against corporal punishment of children – Converging evidence from social science research and international human rights law and implications for US public policy. *Psychology Public Policy and Law*, 13(4), 231-272; 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.

⁹ Versus 55% and 18% of non-parent/guardians/carers respectively.

Physical punishment is a key risk factor for physical abuse

Physical punishment is also among a range of important risk factors for child physical abuse. Most physical abuse starts out as physical punishment in the attempt to correct misbehaviour, with the punishment subsequently escalating in force and intensity.¹⁰ Physical assault was a major concern in the lives of many children across the UK who died as a result of maltreatment.¹¹ Evidence shows that the removal of the legal defence is associated with accelerated declines in the prevalence of physical punishment as well as reductions in severe physical abuse.¹²

The 2015 international literature review, cited above, examined the impact of physical punishment on children¹³ and reviewed seven studies into the link between punishment and abuse. It concluded that, *“the association between corporal punishment and physical abuse was statistically significant and considered moderate.”*¹⁴

This is particularly pertinent in Northern Ireland, where at 31st March 2021, 2,298 children were listed on the Child Protection Register, with physical abuse the largest single cause for a child or young person being placed on the Child Protection Register (28%), and a combination of neglect and physical abuse the most common cause of the mixed categories (21%).¹⁵ We need to take urgent action to protect our children from abuse and legal change is a vital part of this.

Physical punishment is not an acceptable form of discipline

The pandemic and resultant lockdowns have increased the risks which children face. NSPCC figures show that since lockdown began, there was an increase in contacts to Childline from across the UK about physical abuse. Before the restrictions, there was an average of 420 counselling sessions per month which rose to an average of 514 per month after lockdown began. Some of the contacts revealed the harrowing stories of children who have been subject to abuse, with many children unsure if what they are experiencing is physical punishment or abuse, and most describing an escalation in the severity of violence towards them. The damage caused to their mental and emotional health by these experiences is stark.

While evidence on the prevalence of physical punishment is limited, in the majority of cases, children who are physically punished are very young. Global estimates indicate that 63% of children aged 2 to 4 are regularly subjected to physical punishment by their caregivers.¹⁶

¹⁰ Gershoff and Bitensky (2007), see footnote 7 above.

¹¹ House of Commons - Education Committee - Children first: the child protection system in England: Written evidence submitted by Children Are Unbeatable! (parliament.uk)

¹² Zolotor AJ, Puzia ME (2010): Bans against corporal punishment: a systematic review of the laws, changes in attitudes and behaviours. Child Abuse Review, 19(4), 229-247.

¹³ Heilmann et al (2015), see footnote 5 above.

¹⁴ *Ibid.*

¹⁵ Children's Social Care Statistics for Northern Ireland 2020/21 (health-ni.gov.uk)

¹⁶ United Nations Children's Fund (2017) A familiar face: violence in the lives of children and adolescents. New York: UNICEF.

Data relating to Scotland suggests that the prevalence of physical punishment reported by parents is at its highest when children are aged between 3 and 7 years old, and that the prevalence decreases as children get older.¹⁷ Due to their age and vulnerabilities, it is young children who are most in need of nurturing and protection. By removing the defence of reasonable punishment, the Northern Ireland Executive would be sending a clear message to children that their protection matters, placing our most vulnerable children at the heart of its response to recovery post-Covid.

Such a message would be reflective of public attitudes across Northern Ireland. Successive public polling exercises indicate that attitudes towards physical punishment and the acceptability of hitting or smacking children are changing. The results of the 2022 survey¹⁸ show that **only 14% of adults surveyed and 8% of parents think that physical punishment is an acceptable form of discipline.**¹⁹ This compares to 24% of adults and 18% of parents in 2017, 36% of parents in 2001, and 50% of parents in 2000.²⁰

Presented with a list of different forms of discipline or punishment, respondents were asked to select all those that they felt are acceptable for parents/carers to use with their children. **Physical punishment was the least acceptable form of discipline or punishment (14%)** in answers to the 2022 survey question.²¹

Break down of survey responses by political party affiliation:²² The acceptability of physical punishment

Just 32% of respondents who affiliate with the Traditional Unionist Voice (TUV), 16% of Alliance Party affiliates, 15% of Democratic Unionist Party (DUP) affiliates, 15% of Ulster Unionist Party (UUP) affiliates, 14% of Sinn Féin affiliates, 6% of Social Democratic and Labour Party (SDLP) affiliates, and 6% of respondents who affiliate with the Green Party, felt that physical punishment is an acceptable form of discipline or punishment.²³

¹⁷ Children (Equal Protection from Assault) (Scotland) Bill (parliament.scot) and Heilmann et al (2015), see footnote 5 above, pp. 20-22.

¹⁸ See footnote 2 above.

¹⁹ Compared to 17% who were not parents, guardians or carers of children under the age of 18.

²⁰ As reported by NICCY (2017) (see footnote 1 above), this question has been used in three previous surveys in Northern Ireland: in 2000, by the NSPCC; in 2001, by the Northern Ireland Statistics and Research Agency (NISRA); and most recently by in 2017. This means that we can track responses over time. As noted by NICCY (2017), it is important to acknowledge *'the timeframe across studies is [22] years and that public opinion on a range of issues relating to family life and children has changed in that period'* [edited, taking into account the 2022 survey].

²¹ In NICCY's survey results, it was the second least acceptable form of discipline or punishment.

²² As measured by response to the following question *'Which party will you give your 1st preference vote to in the next Northern Ireland Assembly election?'*

²³ Please note sample sizes for respondents citing affiliation with the other political parties were too small for inclusion.

Support for legal reform is overwhelming

The UK and its devolved administrations have repeatedly been called upon by international human rights bodies to reform the law to prevent physical punishment, most recently by the United Nations Committee on the Rights of the Child in 2016 and the Universal Periodic Review in 2017.²⁴ So far, the Northern Ireland Executive has failed to act.

Abolishing the defence of reasonable punishment would not introduce any new offence. It is solely about protecting children and keeping them safe from harm. Accusations of assault against a child would be investigated by police and social services exactly as they are now and the thresholds for intervention would not change. Widespread criminalisation of parents has not been the effect in any of the countries that have passed similar laws.

Changing the law would also put an end to the lack of clarity under the current law, which states that it would not be reasonable to hit a child so hard that it ‘leaves a mark’. Leaving a mark is not regarded as reasonable, so any parent or carer can be charged with an offence against their child if their actions are not deemed to be reasonable. The definition of ‘reasonable’ in such cases is difficult to determine and can often be the subject of much debate in prosecutions.²⁵ This is a confusing situation for parents, and legal reform to remove the defence would rectify that. The legal position needs to be clear – clarity in the law is a key legal principle.

The results of NICCY’s physical punishment research in 2017²⁶ indicated widespread public support for legal reform in Northern Ireland. The 2022 survey results show increased public support for legal reform: **the majority of both adult (65%) and parent respondents (71%) think it is time for legal reform in Northern Ireland, to give children equal protection under the law.** This compares to 63% of adults and 63% of parents surveyed in 2017.²⁷

Opposition to legal reform has also decreased: 23% of the 2022 survey respondents said they would oppose legal reform compared to 29% in 2017. Additionally, 12% of the 2022 respondents were undecided (‘Don’t know’), an increase from 8% in 2017.

²⁴ The United Nations Convention on the Rights of the Child (UNCRC), ratified by the UK in 1991, directs State Parties to take all measures to protect children from all forms of physical and mental violence, including physical punishment.

²⁵ An End to Reasonable Chastisement | Thorntons Solicitors (thorntons-law.co.uk).

²⁶ See footnote 1 above.

²⁷ It should be noted that there is variation in the wording of the NSPCC survey question and the NICCY 2017 question. NICCY 2017: ‘In NI if you smacked or hit another adult it is prohibited by law. Would you support or oppose a change in the law to give children in NI the same protection that adults have?’; NSPCC (2022): ‘As the law in Northern Ireland allows a parent / carer to physically punish their child this means that children in Northern Ireland do not have equal protection from smacking or hitting that adults have. Would you support or oppose a change in the law which would protect children from being physically punished by their parents / carers and give them the same protection as adults?’ The same response formats were used in both surveys.

**Break down of survey responses by political party affiliation:
Support for legal reform**

50% of TUV affiliates, 56% of DUP affiliates, 65% of UUP affiliates, 66% of Sinn Féin affiliates, 68% of Alliance Party affiliates, 82% of SDLP affiliates, and 86% respondents who affiliate with the Green Party, stated that they would support legal reform to protect children from being physically punished by their parents/carers and give them the same protection as adults.

Support for legal reform among the 2022 survey respondents increased further when presented with different assurances that might be given in the event of a change in the law.

A large majority of adults (70%) and parents (74%) responding to the 2022 survey would be more likely or much more likely to support legal reform in Northern Ireland if they were provided with [more] information and support on how to manage children's behaviour effectively. It is therefore vitally important that a change to the law is accompanied by information and support on positive parenting to help parents manage their children's behaviour more effectively, using non-physical means.

**Break down of survey responses by political party affiliation:
Support for legal reform if parents/carers were to be provided with [more] information and support**

56% of TUV affiliates, 67% of Green Party affiliates, 73% of DUP affiliates, 74% of UUP affiliates, 76% of Alliance Party affiliates, 80% of Sinn Féin affiliates, and 86% of respondents who affiliate with the SDLP, would be more likely to support a change in the law if parents and carers received [more] information and support to help manage children's behaviour effectively.

72% of adults and 75% of parents²⁸ responding to the 2022 survey also said they would be more likely to support a change in the law if they were assured that parents could still physically intervene to protect a child from immediate danger (e.g., running across a road).

The UN Committee on the Rights of the Child is clear that protective actions like preventing a child from running into traffic or from burning themselves are a vital part of parenting, and recognizes that parenting and caring for children, especially babies and young children, demand frequent physical actions and interventions to protect them.²⁹ When a child runs into a road or goes too close to a fire it is right that a parent physically intervenes to prevent them from doing so, because the intent is to keep them safe, not to punish. This is quite

²⁸ Versus 69% of non-parents/guardians/carers.

²⁹ Para 14, General comment No. 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Arts. 19; 28, Para. 2; and 37, inter alia), CRC/C/GC/8, 2nd March 2007.

distinct from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation.

Public education and awareness campaigns are key

Research from countries where legal reform has already taken place is clear that public education and awareness campaigns are key to changing attitudes and behaviours on physical punishment. In 2007–8 the German Research Foundation funded a five-nation comparative study to assess the effects of banning physical punishment and the role of information and education campaigns. The authors concluded that, “...there can no longer be any doubt about the violence-reducing effect of a ban on childrearing violence.”³⁰ The cross-country comparison showed that, “...the combination of law reform and intensive, long-term public education is more effective in changing attitudes and behaviours than either strategy alone.”³¹

Sweden was the first nation to abolish all corporal punishment of children in 1979. The legislative change was supported by a public education campaign which included leaflets distributed to all families and information published on the side of milk cartons. The result was that 99% of Swedes knew about the law within two years.³²

The 2015 international evidence review concluded that a combination of legislation and public awareness campaigns leads to a change in public attitudes. A key recommendation from the Scottish report was, “...legislation should be accompanied by large-scale information and awareness campaigns to inform the population of the merits of positive parenting and the harm caused by physical punishment.”³³

60% of adults and 62% of parents³⁴ responding to the 2022 survey said they would be more likely to support a change in the law if the proposed legal change was well publicised.

The Northern Ireland Executive should act urgently to remove the defence of reasonable punishment. In tandem with legal change, parents need information and support on managing children’s behaviour effectively, and Government should implement widespread public education and awareness campaigns.

³⁰ Heilmann et al (2015), see footnote 5 above.

³¹ *Ibid.*

³² Durrant J.E. (2000) A Generation Without Smacking: The impact of Sweden’s ban on physical punishment. London: Save the Children.

³³ Heilmann et al (2015), see footnote 5 above.

³⁴ Versus 58% of non-parents/guardians/carers. It should be noted that this finding was not statistically significant.

Parents and guardians need information and support

The pandemic has had a significant adverse impact on the lives of many children and young people. Necessary public health measures increased stressors on families and elevated the vulnerability of many children.³⁵ Difficult situations were exacerbated, with heightened family stress linked to greater risks of abuse and neglect, increased incidence of domestic abuse and problematic parental behaviour such as drug and alcohol use. The risks to children and families increased further due to limited access to vital social supports and protective services, leaving children and families isolated. Research undertaken by NICCY into the impact of the pandemic in Northern Ireland³⁶ found that many therapies and essential services relied upon by children on were withdrawn and many face-to-face services in early years, for children aged 0-3 and their families, were suspended. The research highlighted the increased risk of emotional or behavioural problems in younger children due to the pandemic as a concern, and stated that reductions in health visiting appointments, in addition to restrictions in access to other early years services, removed an important support system for parents, particularly first-time mothers and those from disadvantaged backgrounds. Over the course of the pandemic, Childline and the NSPCC Helpline saw increases in contacts about domestic abuse, physical abuse, sexual abuse and online abuse.³⁷ It is vitally important that the recovery of children from the damaging impacts of the pandemic is prioritised by Government. Legal and policy changes to better protect our children and young people will be a vital part of this.

Parents must be able to discipline their children – but positive parenting presents a much better alternative to the use of physical punishment. This was recognised by the Government in the Office of Law Reform’s public consultation on, “Physical Punishment in the Home” carried out in 2001.³⁸ Research evidence shows that non-violent discipline is the better practice, based on many studies that have shown that physical punishment is likely to worsen children’s behaviour problems in later life.³⁹ Plans have been in place for some time in Northern Ireland, to bring forward a ‘Family and Parenting Support Strategy’. Progress has been delayed thus far, but a public consultation is expected later this year. This Strategy should provide the policy driver for change by setting measurable targets regarding public education and enhanced support for parents on positive parenting.

Awareness of the current legal position regarding physical punishment is low. **40% of adults and 45% of parents who took part in the 2022 survey were aware that the law allows**

³⁵ NSPCC (2020) Social isolation and the risk of child abuse during and after the coronavirus pandemic. See: The impact of COVID-19 on child abuse in the UK | NSPCC Learning

³⁶ See: ‘A New and Better Normal: Children and Young People’s Experiences of the COVID-19 Pandemic’ (niccy.org)

³⁷ See: The impact of COVID-19 on child abuse in the UK | NSPCC Learning; The impact of the coronavirus pandemic on child welfare: sexual abuse | NSPCC Learning; The impact of the coronavirus pandemic on child welfare: physical abuse | NSPCC Learning; and The impact of the coronavirus pandemic on child welfare: online abuse | NSPCC Learning.

³⁸ Office of Law Reform (2001) Physical punishment in the home – thinking about the issues, looking at the evidence. A consultation paper for Northern Ireland, Belfast: OLR.

³⁹ See: Spanking has similar effects on kids as adverse childhood experiences | Institute for Social Research (umich.edu)

parents and carers to physically punish their child. Awareness has increased slightly from 2017, where one in three adult respondents were aware of the legal position, compared to 37% of parent respondents.⁴⁰

Worryingly, **only 33% of parents who responded to the 2022 survey reported that they had received information on positive parenting.**⁴¹ Just 20% of parents responding to NICCY's 2017 survey reported having received such information.⁴²

60% of parent respondents to the 2022 survey said that they had not previously been given information on positive parenting or alternatives to physical punishment, while 7% could not remember.

Among parents who had received information on positive parenting, a large proportion of parents who had received information cited non-Government sources. **The most common sources were a parent or children's group (42%), followed by schools (27%) and health visitors (26%). 12% of parent-respondents said the information came from either a GP or social worker respectively, while 19% couldn't remember the source.**

The Government must give parents advice, information and support and to find alternative means of discipline for their children other than physical punishment. We must do all we can to ensure children are raised in a loving home with a caring environment. It is vitally important that we protect children who are vulnerable to abuse – the reasonable punishment defence has run its course. Removing the defence is a way to support parents.

⁴⁰ It should be noted that there is variation in the wording of the NSPCC survey question and the NICCY 2017 question. NICCY 2017: 'Do you know that in Northern Ireland the law allows a parent to physically punish their child? Physical punishment can include smacking or hitting' (Yes/No); NSPCC (2022): 'The law in Northern Ireland allows a parent / carer to physically punish their child. Physical punishment can include smacking or hitting. Were you aware that the law in Northern Ireland allows a parent / carer to physically punish their child before you started this survey?' (Yes/No).

⁴¹ Responding to a question asking if they had ever previously been given any information about or alternatives to physical punishment. 'Positive parenting' was described to respondents as using 'techniques such as positive reinforcement, time out and other techniques to help deal with children's behaviour'.

⁴² It should be noted that there is variation in the wording of the NSPCC survey question and the NICCY 2017 question. NICCY, 2017: 'Have you previously been given any information about positive parenting or alternatives to physical punishment?' (Please note that a preceding question in NICCY's survey described positive parenting as 'using techniques such as time out to help deal with children's behaviour'); NSPCC, 2022: 'Have you previously been given any information about 'positive parenting' or alternatives to physical punishment? Positive parenting uses techniques such as positive reinforcement, time out and other techniques to help deal with children's behaviour'. The same response formats were used in both surveys.

Conclusion and recommendations

This policy briefing makes the case for urgent legislative reform to remove the defence of reasonable punishment in Northern Ireland to give children equal protection from assault as adults. A wealth of evidence shows that physical punishment is harmful to children, is not effective in changing the behaviour of children in the long term and is a key risk factor for physical abuse. The age group of children most likely to be physically punished are young and extremely vulnerable. The pandemic has exacerbated these vulnerabilities and a cross-Governmental, concerted effort is now required to support these children and their families to recover from its damaging impacts and give children in Northern Ireland the best start in life.⁴³

Read in conjunction with the existing research evidence, the messages from the 2022 survey are clear. Neither parents nor adults believe that physical punishment is an acceptable form of discipline, nor do they think it is effective in managing children's behaviour. There are low levels of public awareness of the law relating to physical punishment and overwhelming support from the parents and adults surveyed for legal reform in Northern Ireland. Parents would be even more likely to support legal reform if they had assurances that they could intervene to keep children safe, the change was well-publicised, and they received support and information on managing children's behaviour effectively. This is something that the vast majority of parents have not received. The Government must listen to parents, reform the law and give them the information and support they clearly require, in line with its commitments on positive parenting.

The NSPCC recommends that;

The Northern Ireland Executive urgently removes the legal defence of reasonable punishment in Northern Ireland to give children equal protection from assault as adults.

Legal reform to remove the defence of reasonable punishment should be an integral part of the Northern Ireland Executive's response to aid the recovery of children and families from the impact of the pandemic.

Legal reform should be accompanied with public education and awareness-raising initiatives to make parents aware of the law.

Parents should be given clear assurances that they can intervene to protect their children from harm and information and support should be provided for parents on non-physical means of discipline, including positive parenting.

The anticipated 'Family and Parenting Support Strategy' should provide the policy driver for change by setting measurable targets regarding public education and enhanced support for parents on positive parenting.

⁴³ Outcome 1, Programme for Government (PfG) 2021 | Northern Ireland Executive