

Equal Protection for Children

Briefing Paper

Published: 4 September 2025

Summary

How adults discipline the children in their care is often an emotive issue and one that raises strong and varying opinions. Across faith communities, viewpoints on this issue differ.

In Scotland and Wales, it is illegal to use physical punishment against your child, as it is viewed as common assault in law. However, the law in England and Northern Ireland currently only protects adults from common assault. This means in cases where charges of assault against a child are brought, parents and caregivers in England and Northern Ireland can legally use the defence of 'reasonable punishment' or 'reasonable chastisement' to justify their actions.

Removing the defence of 'reasonable punishment' and 'reasonable chastisement' from the law in England and Northern Ireland will give children equal protection across all four nations of the UK.

What does the law currently say?

► Scotland and Wales

Scotland: The Children (Equal Protection from Assault) (Scotland) Act 2019.

This legislation means that all forms of physical punishment of children are against the law in Scotland, and children have the same legal protection from assault as adults. The police can charge a parent or carer with assault against a child. Parents or carers charged with assault cannot use the defence of 'reasonable punishment'.

Wales: The Children (Abolition of Defence of Reasonable Punishment) Act (2020).

This provision means that all physical punishment of children is now illegal in Wales, including by parents, carers or anyone acting *in loco parentis*, in any setting. It gives children the same legal protection from assault as adults and removes the confusion that previously

existed as to what constituted a 'reasonable' level of physical punishment.

► England and Northern Ireland

England: The Children Act (2004).

Section 58 of the Children Act (2004) allows parents or caregivers to physically punish their child under the defence of 'reasonable punishment'.

Northern Ireland: Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006

The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 provides a defence of 'reasonable chastisement' for parents and caregivers when physically punishing their children.

What are the issues?

- Research shows that physical punishment of children is less effective than other forms of discipline and can have a negative impact on children's health and wellbeing.
- The defence of 'reasonable punishment' and 'reasonable chastisement' in English and Northern Irish legislation is unclear and open to interpretation. This lack of clarity makes it more difficult to safeguard children who are affected by physical punishment.
- Currently children in Scotland and Wales are more protected than children in England and Northern Ireland.

What's the impact of removing the defence?

Removing the defence of 'reasonable punishment' and 'reasonable chastisement' in England and Northern Ireland will:

- Protect more children from physical and emotional harm.
- Give children the same protections under law from assault as adults.
- Give children equal protection across all four nations of the UK.

Conclusion

Although it is positive that the defence for 'reasonable punishment' has been removed from legislation in Scotland and Wales, the same action is required in England and Northern Ireland.

This will safeguard children from harm, and give them the same protection under law from assault as adults, across all four nations of the UK.

References:

childrenscommissioner.gov.uk/Equal-protection-from-assault-for-children-CCo-briefing-Feb-24.pdf

rcpch.ac.uk/resources/ending-physical-punishment-children-england-joint-briefing

Any queries or for further information about this briefing email Katy Jackson on policy@thirtyoneeight.org or go to [@Thirtyoneeight](https://thirtyoneeight.org/manifesto)

This briefing paper has been produced by Thirtyone:eight.