



FAMILIES FIRST

Protecting Children Supporting Parents **A Consultation Document on the Physical Punishment of Children**

Additional Comments No 1: The Government's Proposal

It is easy to lose sight of the fact that, on the whole, the existing law has served children and families well for several generations. This current review has been prompted by an unusual, extreme and politically-motivated case. We would urge the Government not to over-react and enact legislation which would place children and families at risk of unnecessary and heavy-handed intrusion on the part of the Courts, the police and the social authorities. We are satisfied that the existing law is adequate and allows Courts to consider all the evidence before reaching a verdict.

However, insofar as the proposals of the Government do not conflict with the current legislation, we support them, subject to the following cautions and provisos:

(a) We are aware that some argue that any form of physical correction constitutes “inhuman and degrading treatment”. However, rulings in the European Court of Human Rights have never supported such an extreme position. In order to protect children and families from the consequences of any radical redefinition at some point in the future of the term “inhuman and degrading treatment”, we would propose enshrining in legislation the freedom of parents to employ moderate and reasonable physical discipline in the correction of their children. The current law in the State of Arkansas explicitly states that:

“‘Abuse’ shall not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting a child.”

A copy of the Arkansas law is attached as a helpful model, serving to protect the interests of children and their families.

(b) “Mental effects” could be subject to wide interpretation. Again, in this regard, we commend the approach of the Arkansas law as worthy of consideration. It refers to:

“observable and substantial impairment to the intellectual or psychological capacity of the juvenile to function within his normal range of performance and behavior with due regard to his culture” (emphasis added)

(c) The same comments could be made with regard to “physical effects”, and again the Arkansas legislation serves as a helpful guide where it outlaws any action which causes or is likely to cause *“bodily harm greater than transient pain or minor temporary marks.”*

While recognising that the wording of the Government's proposal is drawn directly from a judgment in the European Court of Human Rights, we consider the use of the word ‘victim’ inappropriate in this context. A child who is receiving moderate and reasonable physical correction from a loving parent is by no means a “victim”, any more than s/he is a “victim” when receiving dental treatment or taking medication!

Additional Comments No 2: Positive Benefits of Physical Correction

We welcome the Government's commitment to the autonomy of the family, reflected in the consultation document by its commitment to avoiding "heavy-handed intrusion into family life" (para 2.5). We also welcome the respect on the part of the Government, for the authority and responsibility of parents expressed in statements made by Education Ministers at Westminster during 1998 when they said:

"It is the personal responsibility of parents to decide for themselves what disciplinary arrangements are appropriate for their child. It would not be appropriate for the State to impose its own view."

We are concerned that the criminalisation of parents for the moderate and reasonable physical correction of their children would be destructive of family life in a number of ways:

- it would outlaw a most loving, effective and necessary form of discipline
- it would lead many parents to employ more cruel and prolonged and damaging methods of punishment
- it would adversely affect the harmony and good order based on love and respect in many homes
- it would create a climate of fear among both parents and children
- it would result in children being forced to testify against their parents in Court, often against their will
- it would lead to children from loving stable homes being taken into care and leave their parents with a criminal record
- it would lead to an increase in the incidence of real child abuse, as it has in Sweden, where the Government organisation *Statistics Sweden* recorded a fourfold increase in reports of child abuse by family members between 1984 and 1994
- it would obscure the needs of children who are victims of genuine child abuse and take resources away from where they are most needed

Family relationships are very personal and individual matters. We believe, therefore, that the Government should be very wary of laying down in law precisely how a parent may or may not discipline their children. Each family is shaped and influenced by certain social, cultural, religious and philosophical factors which are not common to every other family. Values and standards will therefore differ from family to family and this will be reflected in the way children are disciplined.

Reasonable physical correction is a proven, time-honoured method of discipline. Used wisely, and accompanied by words of explanation, it is often the most effective way of correcting certain types of misbehaviour. A well-timed smack can prevent a little disobedience from growing into a fully-fledged tantrum or a little spitefulness developing into a major battle-zone. It is also far more kind and more merciful than many of methods which the anti-smacking lobby advocates. While these methods often prolong a child's agony, are more emotionally damaging and build up resentment in the child, the pain of a moderate physical sanction, remains with the child for a very short period of time and does not in any way damage the close relationship between a parent and child, based on mutual love and respect.

Campaigners who are opposed to any form of physical chastisement on principle invariably seize upon academic papers on violence and abuse and then proceed to make a blanket application of the findings of such studies to even the mildest forms of physical correction. The enclosed study, *Not Without Reason*, which we are submitting as part of our response to the consultation document contains a summary of relevant research findings. This study demonstrates that far from supporting the case for legislating against corporal discipline of children, the available research shows the positive benefits it brings when administered to a reasonable extent with the best interests of the child at heart.

Additional Comments No 3: The Need to Protect Families

We fully support the principle of providing children with full protection from abuse, but equally we are concerned to see that families are adequately protected from damaging intrusion on the part of the social authorities.

During the past few years an increasingly aggressive “children’s rights” lobby has succeeded in engendering fear in many parents in connection with the discipline of their children - whether physical or otherwise. A 1993 Gallup report, *Youth Crime in the 90s*, found that 66% of parents were finding it more difficult to discipline their children because of fears that they would be accused of abuse. The same survey found that 82% wanted greater parental power to discipline children without fear of prosecution.

In children’s rights thinking, children tend to be viewed as individual members of society in isolation from the family unit. Parents are not regarded as the best advocates of their sons and daughters. Therefore, it is argued, parents must be held to account by state agencies for the way in which they bring up their children and order their homes.

Over the past decade, self-styled “children’s advocates” have stepped up their efforts to impose a whole philosophy of family life and raising children by force of law. However, we are convinced that talk of “rights” in the context of the family will always lead to a spirit of conflict between parents and children which will only serve to damage the family. We believe that by keeping the focus on the family as a *unit*, we will better serve the interests of both children and parents.

We are concerned that all too often the social authorities have a tendency to lose sight of the family unit in their child protection procedures. In November 1999, the former patrons and trustees of Parents Against Injustice wrote a letter to *The Times* in which they stated:

“Research has shown that the majority of child abuse investigations result in no further action (120,000 out of 160,000 in 1992). Social workers and the police move on, leaving the children and their shattered families to repair their lives. The long-lasting traumatic consequences cannot be over-emphasised.” (The Times 25 November 1999).

There have also been cases where parents have acted unwisely and inappropriately in the care and discipline of their children, but where intervention on the part of the authorities has done more harm than good to the child and to the family. One such is the well-publicised case of the teacher from Hamilton who smacked his daughter on a health centre on Christmas Eve in December 1998. The incident was witnessed by two members of staff who reported it to the authorities. The father admitted that he had gone “over the top”, but he had not injured his daughter, nor was there any suggestion that he was an abusive father. Nevertheless, he was not permitted to return home to his family for two weeks, was suspended from his teaching post, his daughter was forced against her will to testify against him in Court, he was convicted of assault and his children were placed under a supervision order.

There can be no doubt that the involvement of the authorities in life of this family has caused more trauma and suffering to the 8 year-old girl concerned than her father ever caused her when he smacked her. If her father had been allowed to return home to spend Christmas with the family, the whole incident would have been long forgotten. As it is, however, it will remain with her for the rest of her life. As a correspondent on BBC Online aptly put it:

“I would suggest that the damage done to her by her father pales into insignificance compared to the ritual abuse inflicted on her by society. It is this that should be banned.”

Sadly, such a lack of proportion and commonsense is not at all uncommon. There are many social workers who are trained to regard any physical correction as child abuse and to treat it accordingly. There are local authorities who have policies against smacking. The British Association of Social Workers and the Health Visitors Association are both listed as supporters of EPOCH (End Physical Punishment of Children) and its Children are Unbeatable alliance.

At a recent meeting addressed by Dr Penelope Leach on behalf of the alliance, the Head of Children's Services of a local authority publicly stated that he supported legislation against all forms of physical discipline "so that we can prosecute more parents".

Against such a background, it is hardly surprising that many parents feel vulnerable. Many are afraid to smack their children in case they are reported to a social worker who is strong on ideology, but lacking in common sense. Some parents continue to smack their children in a perfectly reasonable manner, but are afraid to admit to it. Some have even expressed to us support for our position with regard to the current consultation document, but are afraid to make a response in case their names and addresses are passed on to their local social services department.

We believe that such a climate of fear as currently exists and which would only increase if the Government were to place limits on precisely *who* may discipline children and *how* they may do so, is unhealthy in a free society, and we support measures which will give greater protection for families - for both parents and children.

Referring to the Institute for Public Policy Research paper, *Child Protection: the voice of the child in decision-making* (1996), Lynette Burrows writes:

"A moment's reflection would tell most people what a 1996 study into child protection confirmed: that state intervention in family life is feared and loathed by most children more than anything. They are more troubled by the state intervening than they are reassured by the protection offered. Children do not want rights, they want love and protection and, as the study pointed out, the majority of them do not want social workers or anyone else coming into their families and telling their parents they are not behaving properly. It is precisely the people who demand children's rights who are not respecting the child's right to be left alone, free from state intervention..."

"Considerable damage is done to many families by intrusive social workers looking for evidence that a child has been abused in a way most people would consider trivial. Only the most fanatical and unimaginative ideologues would feel a sense of triumph at a father being hauled before the court and stripping him of all authority in the eyes of his wife and his children. The family is wrecked as surely and perhaps as permanently as if they had been overrun by a marauding army. There can be nothing but tears after the 'caring' professions have been called in pursuit of an infringement of rights that children neither want nor need. The threat of tearing the family apart must actually serve, in the end, to make fewer children, rather than more, call for help if they really need it."

(The Fight for the Family, pp54-55)

We would therefore support measures which would ensure:

(a) that police and social workers would have to consider whether prosecution was in the best interests of the child and of the family as a whole before taking a case to Court

b) that parents could openly say that they used moderate and reasonable physical correction without fear of being reported to the authorities

(c) that third parties reporting allegations of abuse to the authorities should be obliged to give their name, address and telephone number (in order to reduce the number of false reports from malicious neighbours etc)

(d) that anyone knowingly or maliciously making a false report of any type of child abuse or neglect should himself be liable to prosecution

One of our major concerns about the children's rights movement of which the Children are Unbeatable alliance forms a part is the way in which it sets children against their parents and

parents against their children. There is a tendency to lower the threshold at which litigation is resorted to. Increasingly, families need protection from “busybody groups” who are all too eager to bring down the full force of the law on anyone who is guilty, in their view, of non-ideal parenting. We are concerned that the law should never be drawn so tightly that there is no room for different parenting styles and no room for parents to make mistakes, apologise and put things right.

Additional Comments No 4: The Role of the State

We welcome and fully support the Government's commitment to the autonomy of the family, reflected in the consultation document by its commitment to avoiding "heavy-handed intrusion into family life" (para 2.5). We also welcome the respect on the part of the Government for the authority and responsibility of parents expressed in statements made by Education Ministers at Westminster during 1998 when they said:

"It is the personal responsibility of parents to decide for themselves what disciplinary arrangements are appropriate for their child. It would not be appropriate for the State to impose its own view."

Each family is shaped and influenced by certain social, cultural, religious and philosophical factors which are not common to every other family. Values and standards will therefore differ from family to family and this will be reflected in the way children are disciplined.

With this in mind, we do not take the view that legislation pertaining to the discipline of children or other matters of family life should be decided upon by majority opinion. In the United Kingdom currently, the majority supports the right of parents to use moderate and reasonable physical correction. The law permits such discipline, but it does not mandate it. Parents are both free to use it and free not to use it. If, at some point in the future, social attitudes were to radically change and the majority was opposed to it, we would not see that a change in public opinion should oblige the Government of the day to legislate against it. In the area of family life, it is neither necessary nor desirable to oblige the minority to adopt the patterns of the majority. There can and should be freedom for each family to order itself according to its own religious and philosophical convictions.

We are therefore concerned at the weight given in the consultation document to the ONS survey. We have expressed several reservations about the survey in our response to Question 2, but even leaving those aside, we do not believe that the minority should be required to conform to the standards of the majority in the private arena of family life. The law governing the discipline of children should therefore not be over-prescriptive, but should pay due respect to the individual's "private and family life, his home and his correspondence" and to "the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions," as guaranteed by the European Convention on Human Rights.

The State should intervene in the family only where there is clear, measurable and objectively observable harm being done or likely to be done to the child.

Additional Comments No 5: Children are Unbeatable Alliance

The consultation document makes an oblique reference to the Children are Unbeatable alliance in paragraphs 2.12-2.13. We welcome the Government's rejection of their proposals and the recognition that:

"it would be intrusive and incompatible with our aim of helping and encouraging parents in their role. There could clearly be no guarantee that there would not be charges of assault brought in relation to minor cases. This could victimise parents unfairly and compromise public confidence in the legal system" (para 2.14).

In view of the influence exerted by the alliance and the prominent media coverage they enjoy, we wish to make the following additional comments on their campaign:

(a) The majority of the organisations listed are not working with ordinary children and families

A list of some 260 organisations may sound impressive but it is difficult to see what right the majority of them have in demanding such far-reaching legal reform. Many, such as the Daycare Trust, the National Association of Nursery Nurses and the National Childminding Association, are concerned only with children in daycare settings. Others, such as the Bridge Child Care Development Service, Voice for the Child in Care and the Who Cares? Trust are engaged in providing support to children in care. Still others such as the Boys and Girls Welfare Society, the Disabled Children's Foundation and Norwood Ravenswood offer assistance to children with disabilities and special needs. And the better-known organisations such as Barnardo's, the NSPCC and Save the Children are concerned with providing support and care for children who have been abused or stand in particular need.

The whole area of how parents discipline their children falls way outside the brief of almost all the groups listed. Certainly customers of Safeway Stores might be forgiven for thinking that it was no business of their local supermarket chain to seek to criminalise 90% of British parents - and presumably a similar percentage of their own staff and customers - for smacking their children.

(b) Few of them have consulted their staff, members or supporters

It is undoubtedly the case that very few alliance members actually surveyed their staff, members or supporters before being added to the list and it is also questionable whether all the officers who signed up on behalf of the organisations really understood what the campaign stands for. In the case of the supermarket giant, Safeway, for example, the policy was adopted without any consultation of shareholders, customers, branch staff or management. Indeed, when enquiries were made, it was difficult to find anyone in their Head Office who knew anything about it! Even among the staff of the larger organisations such as the NSPCC, Barnardo's and Save the Children, there is a surprising ignorance of their employer's policy at grass roots.

A few years ago, a survey of EPOCH's (End Physical Punishment of Children) supporters undertaken by Nicola Wells revealed that only a handful of the organisations listed actually supported legislation against parental smacking, even fewer had canvassed grassroots opinion among their memberships, and none at all could cite any research against the careful and moderate use of physical correction. Two of the 39 organisations surveyed denied that they supported EPOCH's campaign at all (These findings were published in *Who really wants a law against smacking?* in *Families for Discipline* Issue 5, Spring 1997, and in Lynette Burrows, *The Fight for the Family*, p23ff).

Apparently times have not changed, for on 9 November 1998 a letter was sent to all organisations supporting the 'Alliance for Legal Reform' by Liz Garrett of Barnardo's on behalf of the steering group. The letter referred to Nicola Wells, "a researcher linked in some way to Families for Discipline," who had approached a number of EPOCH's supporters and asked them how they had reached their decision and whether they really did support legal reform against all physical punishment as was claimed. It went on to complain that, "Untrue allegations were subsequently published that EPOCH had exaggerated the support for this aim," and to issue the following warning:

We understand that Nicola Wells has recently approached at least one member of the Alliance; while, of course, there is nothing secret about the Alliance, we advise you to treat any such enquiries with care as we believe the intention is to attempt to divide the Alliance. You could also consider informing the Strategy Group of such approaches.

In fact, *Families First* has on file a copy of every letter received in response to Nicola Wells' survey, and every published word can be vouched for. If EPOCH and the Children are Unbeatable alliance operate in an open and honest way, they need have nothing to be afraid of. If they are confident that every signatory to their campaign really supports them, they need not fear any amount of investigation. But their apparent insecurity suggests that the alliance is more fragile than they would like us to believe.

(c) Many child welfare professionals are opposed to legislating against the physical correction of children

The Children are Unbeatable alliance likes to give the impression that child welfare professionals are unanimously in favour of a complete legal ban on all forms of corporal discipline. However, this is by no means the case. There are many doctors, psychiatrists, psychologists, social workers and health visitors who recognise the positive value of moderate and reasonable physical correction. Equally, there are others who do not personally support the use of corporal discipline, but nevertheless recognise that this is not a matter to be addressed by legislation.

For example, among the organisations who declined an invitation to become a signatory to the Children are Unbeatable alliance and their campaign to criminalise the smacking of children is the multi-professional Association of Workers for Children with Emotional and Behavioural Difficulties (AWCEBD).

A resolution taken at the Association's National Council meeting in November 1998 reads as follows:

"It was agreed that AWCEBD could not support this campaign. At the same time it did not wish to be seen as supporting smacking as a method of control. This decision was based on the conviction that this would constitute an unwarranted intrusion into normal family life, would lead to prosecutions, would produce collusion and might lead to other forms of abuse, was no substitute for positive support of families in stress which would be the most exposed and would place social workers and the whole range of volunteers who work with vulnerable families in a very difficult situation where their intervention would be even less welcome."

Families First has on file a letter from the Association which adds:

"On reflection, I think that we should have included all professionals, particularly teachers, health and mental health workers, in the groups whose relationship with children and families would be affected."

The November 1998 issue of the AWCEBD newsletter contained an article by John Cross entitled, *Should We Criminalise Smacking?*

Mr Cross refers to the Children are Unbeatable alliance who "want legislation to criminalise any smack or slap, even within the family." He comments, "Even to those of us who would say that it is never right to hit a child, this is a doubtful proposition. The reality is that very few parents, even from very good homes, would claim never to have hit their children, and would we wish, even in principle, to criminalise so many?"

Mr Cross is clearly no supporter of physical correction. He believes it should be actively discouraged and supports the idea of a public campaign drawing attention to alternatives. He continues:

“Every family is a complex and unique unit; what makes a good enough family life depends upon a unique dynamic and a unique set of relationships. Every family resolves conflicts and difficulties and achieves the complex balance of differing needs, rights and responsibilities by processes individual to each family. These are things which cannot and should not be the subject of detailed regulation or legislation which is why we must resist the move to criminalise smacking.”

Interestingly, Mr Cross considers many of the so-called ‘positive alternatives’ frequently advocated by those opposed to smacking, as more damaging to children. Among “worse things” he included ignoring children, not speaking to them, and emotionally isolating them for hours or even days on end.

“There is a danger in the sort of campaign being organised by the ‘Alliance’: that a mounting moral pressure to sign up to a simple statement may prevent consideration of wider and more complex issues. There is a need in framing the new legislation to ensure that it protects children..., but it should not criminalise ordinary parents and families.”

(d) The Alliance’s campaign statement is full of contradictions and inconsistencies

While the Children are Unbeatable alliance acknowledges that “effective child protection” is needed in only “a few cases”, it goes on to imply that any child who is smacked is the victim of a violent assault and in need of the protection of the law. In other words, something like 90% of children in the UK need to be protected from their parents by the law.

Admitting that the legal reform it seeks would “technically” criminalise any physical sanction, the statement wishes to assure parents that “trivial assaults” would not be prosecuted. Far from eliminating “dangerous confusion” as the alliance claims, its proposals are a recipe for confusion on an unprecedented scale. The overwhelming majority of parents have no more difficulty in recognising the difference between appropriate corporal correction and physical abuse than they do in drawing a distinction between a cuddle and sexual abuse.

We would suggest that the Children are Unbeatable alliance owes it to the public to give straightforward answers to several questions:

- *What proportion of children in the United Kingdom do they think need to be protected by law from their parents?*
- *Where is the line to be drawn between “trivial assaults” which would not be prosecuted and “serious cases” where prosecution is merited?*
- *How could the Government legislate against all corporal punishment while preventing the prosecution of parents who use corporal discipline to a reasonable extent?*
- *Where is the research from other European countries which, they claim, demonstrates that “full legal reform, coupled with the promotion of effective means of positive discipline, works rapidly to reduce reliance on corporal punishment and reduces the need for prosecutions and other formal interventions in families”?*
- *What protection will be offered to parents against malicious reports being made to the authorities?*

In short, the claims of the Children are Unbeatable alliance simply don’t ring true, and their attempts to calm the fears of anxious parents don’t hold water. If the Government were to legislate against all physical correction, or even if it were to presume to dictate to parents how they may and may not smack their children, the outcome for families across the country would be disastrous.

Under such circumstances, it is inevitable that the peace of families would be disturbed, and many more children would be taken into care where, the statistics tell us, they would be at far greater risk of real abuse. When the Social Services Inspectorate issued its report on children in care, during September 1998, it showed that while only 0.5% of children in the UK are currently in care, 22% of the prison population is made up of young men who have been in care. That figure rises to

39% for prisoners under the age of 21, and no less than a third of people sleeping rough in London have been in care.

As Valerie Riches of the Family Education Trust comments:

Add to this the large number of cases of child abuse which take place in Local Authority children's homes, and you will begin to wonder how any organisation that claims to have the interest of children at heart can possibly initiate measures which can only result in more children going into care.

(e) The claims made by the Alliance on the basis of its MORI poll are extremely misleading

The headline of a press release issued by Barnardo's in March 1999 boldly declared, "Poll shows strong parental support for anti-smacking law". The release went on to claim that 73% of those who took part in the MORI poll, commissioned by the Children are Unbeatable alliance, supported a change in the law on physical punishment of children, so long as they could be sure that parents would not be prosecuted for "trivial smacks". This figure rose to 78% among parents with dependent children.

From the media coverage the following day, one might have gained the impression that there had been a radical overnight change in public opinion. However, what Barnardo's omitted to tell the press and the media was that there had been a preamble to the questions asked which stated:

"We would like to ask you some questions about corporal punishment of children. The Government has agreed that the law should be changed to give children better protection. In eight European countries children have the same protection under the law on assault as adults and more countries are now following suit. This means that hitting children is against the law in these countries, just as it is against the law to hit an adult. However, parents are not prosecuted for trivial smacks, nor are they prevented from restraining their children for safety reasons."

We doubt that many of those surveyed would have realised that the organisation behind the questions equated a moderate and reasonable smack with 'hitting' and 'assault'? To many the word 'assault' conjures up a picture of the bully down the street gratuitously lashing out and not the loving parent correcting a child for telling lies or for wilful disobedience.

Immediately after listening to such a disarming preamble, the 1,035 respondents were asked the following question:

"If you could be sure parents would not be prosecuted for trivial smacks, would you support or oppose children having the same legal protection against assault as adults?"

Not surprisingly, 73% were in favour of such legal protection. But that is quite a different matter from saying that three-quarters of the general public think children should be protected by law from being physically disciplined by their parents!

Additional Comments No 6: Learning from the Schools

The marked decline in standards of discipline in British schools has been a matter for growing concern among parents, teachers and children over recent years. In January 2000, the *Times Educational Supplement* published the findings of a poll which reflected the feelings of parents. 66% of those interviewed believed that children's behaviour had grown worse over the past ten years, and 24% regarded disruptive children as the biggest problem facing schools. This was a considerably higher percentage than those who considered the most serious problem to be a shortage of teachers (9%), overcrowding (7%), poor teaching (7%), and lack of parental support (2%). Only lack of resources scored higher (30%).

When Parliament voted to outlaw corporal discipline in maintained schools in 1986, it was claimed that the elimination of a "violent" sanction would lead to more peaceful and orderly schools. However, that promise has not been fulfilled during the intervening years. Schools have become increasingly violent places, bullying has become rife, assaults on teachers are becoming more common, and a growing number of children are being excluded.

In 1996, David Hart, General Secretary of the National Association of Headteachers pointed to the fourfold increase in exclusions of children under the age of 11 from primary schools over the four year period between 1991 and 1995 as confirmation that:

"The problem is moving down the age range. Increasing numbers of pupils are out of control at home and exhibit unacceptably violent and disruptive behaviour at school. We do seem to be seeing a growing number of pupils for whom violence or threats of violence is a first reaction to whatever problem is besetting them." (Daily Telegraph 28 May 1996).

Irrespective of one's views on corporal discipline in schools, not even the most avowed opponent of physical correction could claim that discipline standards have improved. Indeed, violence in some schools has reached such a pitch that in 1998, the Department for Education and Employment (DfEE) found it necessary to issue guidance to schools on the use of "reasonable force"¹. The guidance envisaged circumstances in which teachers might be required to resort to violent methods in order to keep pupils under control, while maintaining a strong opposition to the use of corporal discipline of a moderate and reasonable nature.

The document referred to "exceptional circumstances" in which it might become necessary for staff to "act in a way that might reasonably be expected to cause injury". The following measures were given as examples of "reasonable force" which should not be employed except in "exceptional circumstances":

*"holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
slapping, punching or kicking a pupil;
twisting or forcing limbs against a joint;
tripping up a pupil;
holding or pulling a pupil by the hair or ear;
holding a pupil face down on the ground."*

Our point in drawing attention to the decline in discipline standards in schools over the past decade and the extremes to which the DfEE has felt compelled to go in offering guidance to schools on how to respond to the problem, is to demonstrate that the elimination of corporal discipline has not proved to deliver the promised benefits.

The observable experience of schools should serve as a warning to the Government as pressure is brought upon it to legislate against, or at least to limit, the powers of parents to physically discipline their children. Parents would not want standards of behaviour in their own homes to

¹ Department for Education and Employment, Circular number 10/98, *Section 550A of the Education Act 1996: The Use of force to Control or Restrain Pupils*

mirror the declining standards in schools where an effective deterrent and sanction has been removed and, a decade on, they would certainly not want to receive guidance on the use of “reasonable force” in their own homes!