



## Corporal discipline in UK schools may be legal after all, says European Court of Human Rights

**A**ccording to the European Court of Human Rights (ECHR), it may still be permissible for parents to delegate the authority to use moderate and reasonable physical correction to schools throughout the United Kingdom.

Up until now, it has been widely accepted that corporal punishment was abolished in maintained schools from 1987, and that this ban was extended to independent schools from September 1999.

### Preliminary response

However, a preliminary response from the ECHR to an application made by Liverpool headteacher Phil Williamson on behalf of 40 independent Christian schools (see page 11), suggests that all the law has in fact done is to remove from teachers their *independent* right to use any form of physical correction.

The law states: “Corporal punishment given by, or on the authority of, a member of staff to a child...cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.”

In the view of the ECHR, the law implies that members of staff in a school may no longer physically discipline children on the basis that they are acting *in loco parentis* by virtue of their position as teachers. However, there is nothing in the wording of the law to prevent a parent from specifically authorising a teacher to use reasonable physical discipline in appropriate circumstances.

### Unlawful

In response to an enquiry from *Families for Discipline* in the Summer of 1998, the Department for Education and Employment (DfEE) unequivocally stated the view that the law made it “unlawful to carry out corporal punishment in independent schools under any circumstances... Even if all parents at a school approve of corporal punishment, it will still be unlawful... A teacher who continues to use corporal punishment in a school after the section comes into force will be breaking the law. This Department, OFSTED or the police could investigate any breaches of the law, regardless of whether or not a complaint was received.” The DfEE went on to say that

any teacher using physical correction could be convicted of assault or battery and would be barred from teaching or working with children.

### Respect for parents

However, the Legal Secretary in the Registry at the ECHR has denied that any of this should be the case. He writes, “It is presumably most unlikely that a parent in a church school who had agreed to corporal punishment would bring an action against a teacher for exercising it; it would not be open to ‘busybody’ lobby groups to bring an action for assault or battery against a school or a teacher because they would not have *locus standi* and, there is no reason why a local authority or schools inspectors should be interested in bringing an action even if they had standing.”

The application on behalf of the schools has been registered at the ECHR and a final ruling is expected early in 2001.

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## The Family as a form of Government

*Richard Barns argues that parents have a responsibility to correct their children when they transgress boundaries within the family no less than the state has the authority to punish those who break the laws of the land. In both cases, the use of reasonable force is required to maintain good order.*

**I**s corporal punishment used by parents assault? It is not acceptable for adults to assault other adults, so why should it be acceptable for them to assault children? So argue the Children are Unbeatable alliance in their bid to outlaw corporal punishment by parents.

Like many such campaigns this one is deliberately designed to confuse parents and to make them feel guilty for "assaulting" their children. The leaders of EPOCH (End Physical Punishment of Children) and their Children are Unbeatable alliance deliberately overlook the special nature of the relationship between parents and their children. Parents have a unique responsibility for their children. It is their duty to feed, clothe, house and care for them. Parents also have a special authority over their children. It is their duty both to teach them right from wrong and to correct them when they do wrong.

### Lawful government

In this respect parents are like a little government. They have a legislative and judicial authority over their children. They have the authority to make laws and to punish transgression. And, in order to carry out this role, parents have a right to the limited use of force, just as the civil government has a right to the use of force.

It is an inescapable fact that the use of force is necessary when dealing with wrongdoing. The civil government makes extensive use of force and the threat of force to make people obey it. Those who transgress its laws are arrested by force, detained by force during trial and imprisoned by force, continually and against their will, for long periods afterwards. It is not possible to deal with lawbreakers without the use of force.

### Appropriate punishment

Now, of course, children are not criminals and the measure of force that is used against criminals should not be applied to them. However, when they do wrong they need to be corrected. Their lesser wrongdoing receives a much lesser punishment - a brief smack and explanation being far more appropriate than any form of imprisonment, no matter how limited. Should parents feel guilty about disciplining their children in this way? Certainly not! Indeed, they ought rather to feel guilty if they fail to punish their children's wrongdoing. Is such punishment assault? If so we must ask: Is arrest assault? Is it kidnapping? The fact is that those who have a

governmental authority have the right to use force to punish wrongdoing. If that were not the case then the civil government would have no right to make us obey its laws. Parents should no more feel guilty for smacking their children than a judge should for sentencing an offender.

### Abuse of power

Understanding this role of parents also helps us see how to deal with the issue of parents who fail to administer their authority justly. There may be a few parents who abuse their authority and genuinely assault and injure their children. Similarly there is a small minority of police officers who abuse their power. Sometimes excessive force is used by the police. Sometimes people are killed in the process of arrest. Do we therefore call for the police to lose the right to arrest suspects in order to protect people from excessive force? Of course not!

Sometimes through error, or incompetence, and perhaps even malice, innocent people are imprisoned and held in confinement for many years. Do we therefore demand the abolition of courts and prisons? No, because we recognise that this would be a grave injustice. We do not do away with a system of justice because it is misused by a few. Rather, we deal with the specific instances of abuse. Thus although there may be instances of certain parents abusing their power that is no argument for abolishing the powers of all parents.

### Legitimate force

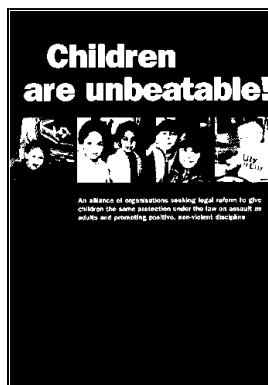
Just as it is vital for the maintenance of peace and order in society to recognise the right of the civil government to use force so it is vital for the maintenance of peace and order in the home - and indeed outside of it too - to recognise the right of parents to use force. Parents have a governmental authority over their children. They have just as much right to make laws and punish their children as the civil government has to make laws and punish citizens. Neither government has absolute authority - that is the prerogative of God - and neither parents nor civil government are God. Yet within their respective realms both family government and civil government have the right to make laws and the right to use force to punish transgression.

● *Richard Barns holds a degree in Computer Science and works as a system administrator in higher education.*

# What do the NSPCC, Safeway Stores plc and the Methodist Church have in common?

*They are all members of Children are Unbeatable - an alliance of organisations and commercial groups who want to make it a criminal offence for a parent to smack a child*

**C**hildren are Unbeatable is the name of an alliance of over 200 organisations, formed to coincide with the Department of Health consultation on the physical discipline of children. Masterminded by the co-ordinator of EPOCH (End Physical Punishment of Children), Peter Newell, the coalition is calling for the criminalisation of any form of physical correction by a parent, however mild.



A list of over 200 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.

### Safeway

In short, it is safe to say that 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.

It all begs the question of how many of these groups actually surveyed their members and supporters before being added to the list and, indeed, whether the officers who signed up on behalf of their organisation really understood what the campaign stands for. In the case of Safeway, 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!

But once again, those at the helm of the anti-smacking movement do not welcome any questioning about why, when, how and at what level the organisations on their list of supporters agreed to sign up to their campaign. A few years ago, a survey of EPOCH's 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).

### "Shhhh, don't give the game away!"

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.

To the charge of untrue allegations, we plead not guilty. *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.

### **“worse things”**

Interestingly, the Association of Directors of Social Services (ADSS), which has previously supported EPOCH's campaign, is not listed among subscribers to Children are Unbeatable. Following the European Court ruling in September 1998 which led to the Government consultation, the Association's Secretary, Moira Gibb, was reported as saying:

“Of course it's permissible to smack children - the vast majority of parents do - but we have to make a distinction between a quick tap on the bottom and beating... Personally I am not in favour of smacking, but there are a lot worse things... Not being properly disciplined is a lot more damaging for a child in the long run...”  
(*The Guardian*, 24.9.98)

And yet while over 200 organisations are seeking to criminalise parents for smacking, there is to our knowledge not a single group campaigning to criminalise parents who fail to properly discipline their children. Yet, in the judgment of the Secretary of the ADSS, there are many things worse than smacking, and one of them is a lack of effective discipline on the part of parents.

### **Confusion**

The alliance's own statement is full of contradictions and inconsistencies. For example, while it 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 owe 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?*

### **Floodgates**

Many pro-family campaigners note with trepidation that supporters of liberalising measures have invariably claimed that their proposed legal reform would apply in only a minority of cases, but within a very short space of time the floodgates have been opened. For example, supporters of abortion law reform in 1967 claimed that the proposed legislation would only allow abortion in extremely rare cases, but the result has been over 5 million abortions in the past three decades.

Similarly, countries which have legislated in favour of euthanasia on a limited scale, have found its practice spread to an alarming extent. In Holland, for example, official statistics show that up to 6 per cent of deaths are from euthanasia, and many of its victims have not been terminally ill.

## Children are Unbeatable campaign

To take one further example, in the Gillick ruling of 1985, the law lords ruled that doctors may prescribe contraceptives to under-age girls without their parents' consent, but only in exceptional circumstances. However, the succeeding years have witnessed thousands of young teenage girls finding no difficulty in obtaining contraception without their parents' knowledge. There is every reason to fear that if legislation were to be introduced against parental smacking, its effects would be felt universally and for the worse, just as they have been in Sweden (See *Families for Discipline*, Issue 3, Spring 1995).

### Disastrous outcomes

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.

### *The 'children's rights' link*

"It is...interesting that of the 160 names [on the Children are Unbeatable list as at November 1998], 82 have been in receipt of funds over the past four years from the Calouste Gulbenkian Foundation, one of the main benefactors of the children's rights movement. Of those 160 names, some 22 can be directly connected by personnel or funding to EPOCH and the Children's Rights Office. Moreover, of those 160 names, 13 are duplications or branches of organisations already listed or funded by the Joseph Rowntree Charitable Trust. Disregarding the few names with no addresses and the five Alliance Strategy Group names, the support is diminished by at least 50%. How much less would there be if the members of all the organisations had been consulted?"

"It is also instructive to notice the ludicrous, if unconscious, assumption of superiority with which they solemnly assume that the opinions of 160, or even 500, 'professional' people are more impressive than millions of ordinary people who think differently. We are talking about childcare here, not some abstruse science, and the opinions and experience of ordinary parents are just as valid as anybody else's. The attempt to put childcare beyond their intellectual range is so destructive of their confidence and well-being that one can only wonder at the heedless conceit that has promoted the attempt."

**Lynette Burrows**

*(The Fight for the Family, 1999, p29)*



# Surveys, Reports and Campaigns: the work of the Children are Unbeatable Alliance

**E**ver since the Government announced that it was going to hold a public consultation on the discipline of children, the supporters of Children are Unbeatable have come up with one publicity stunt after another in an effort to influence public opinion against the use of physical correction. Here, we highlight just three of their efforts.

**Save the Children** 

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### It hurts you inside: children talking about smacking (Save the Children and the National Children's Bureau)

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January 1999 saw the publication of a report purporting to reveal children's views about smacking. During 1998, Tina Hyder from Save the Children and Caroline Willow, chairperson of Children's Rights Officers and Advocates conducted what they describe as a "unique consultation exercise", on behalf of the National Children's Bureau and Save the Children.

The two researchers interviewed 76 children (yes, seventy-six!) aged between five and seven with the exception of one four year-old. Ten questions about smacking were put to the children by means of an endearing storybook character whom they named Splodge.

Several of the comments quoted in the report suggested that some of the children had experienced physical punishment more as an expression of their parents' frustration and rage rather than as a careful and controlled expression of displeasure with the good of the child at heart. But the

main findings of the report were not at all surprising:

All but one child of the 76 interviewed said smacking involved force and pain. The main reasons for which they were smacked were: "being naughty or mischievous, being violent themselves and breaking or spoiling things." And they did not like being smacked. Most, we are told, considered smacking to be "wrong".

The most remarkable thing about this incredibly small survey and its fairly predictable results is the considerable media attention it received, including on children's TV.

A Save the Children press release even went so far as to call it a "ground-breaking publication" and claimed that it made "compelling reading, challenging many adult assumptions about physical punishment"!

Did they really expect children to say they enjoyed being smacked when they were naughty?

Children no more enjoy being disciplined (whether physically or otherwise) than they enjoy taking medicines, receiving injections or having fillings at the dentists! Neither do they always understand why such things are necessary at the time. Only in later years do they recognise the wisdom of their parents and thank them for loving them enough to make them endure momentary pain and discomfort.

To our mind, this report does little more than confirm the truth of words which were penned almost 2,000

years ago: "No chastening seems to be joyful for the present, but grievous; nevertheless, afterwards it yields the peaceable fruit of righteousness to those who have been trained by it" (Hebrews 12:11).

Come to think of it, that really is groundbreaking material!

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### Attitudes Towards Smacking Children (Barnardo's and the MORI Survey)

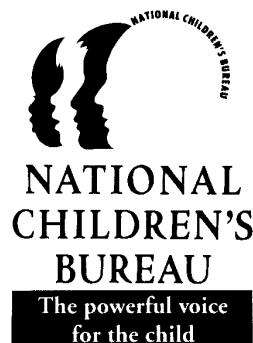
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The headline of a press release issued by Barnardo's in March 1999 boldly declared, "Poll shows strong parental support for anti-smacking law". The release went on to claim that 73% of those who took part in the MORI poll, commissioned by the Children 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.

But what Barnardo's didn't tell the press and the media was that there had been a preamble to the questions asked which went like this:

*"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."*

How many of those surveyed would have realised that the organisation behind the questions equated a moderate and reasonable smack with 'hitting' and 'assault'? Mention 'assault', and you think of the bully down the street gratuitously lashing out. You do not think of 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's 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!

The fact that respondents did not really mean anything of the sort is confirmed by their responses to another question, when only 37% either "strongly disagreed" (12%) or "tended to disagree" with the proposition that *"smacking children is a good way of improving their behaviour"* However, Barnardo's chose not to highlight these statistics in their press release.

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## The NSPCC FULL STOP Campaign

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Also in March 1999, the NSPCC, supporters of Children are Unbeatable, launched their FULL STOP campaign amid a blaze of publicity featuring high profile personalities from the world of sport and entertainment.

In its publicity material, the NSPCC expresses the view that "child abuse continues because there is not the collective will and commitment to stop it." The current campaign

therefore aims to achieve a fundamental and permanent change in attitude towards children and has as its main goal the ending of all cruelty to children within a generation.

Bearing in mind the long-standing support of the NSPCC for EPOCH's (End Physical Punishment of Children) campaign to criminalise parents who smack their children, *Families for Discipline* wrote to the NSPCC to enquire about the precise scope of the FULL STOP campaign.

In reply, we were sent a copy of the detailed campaign brochure, which made no direct reference to moderate physical correction at all. If the NSPCC regarded loving physical discipline as a form of abuse, one would have expected to find it mentioned in the campaign literature given that over 90% of parents in the UK smack their children.

Another factor which might have led us to assume that the NSPCC was now recognising a distinction between the moderate use of a physical sanction and child cruelty was its claim that 12% of adults were abused as children. If smacking necessarily constituted abuse, one would have

expected the figure to be nearer 100%!

However, when we put these points to the NSPCC, we received the following reply:

*"You ask whether the FULL STOP campaign recognises a distinction between moderate and reasonable physical correction on the one hand and child abuse on the other? In answer to this query we would say that it is abusive to children to deliberately cause children unnecessary pain. We do not believe that physical correction can be moderate or reasonable - we are against the use of physical punishment as a way of disciplining children."*

This still begs the question as to why the NSPCC has not made explicit its commitment to outlawing all physical discipline of children in its FULL STOP brochures. Perhaps the answer lies in the words of an unnamed senior officer of a rival children's charity, who told *Observer* columnist, Jay Rayner, "They are seriously in danger of pushing their message to the very outer limits of what might be called economy with the truth" (*The Observer*, 8.8.99).

Many of the campaign's most loyal and generous supporters will be under the impression that the sole mission of the NSPCC is to protect children from genuine abuse and neglect. They

**NSPCC**   
**Cruelty to children must stop. FULL STOP.**

might well be less happy about supporting a campaign which would turn 90% of parents (and a

similar percentage NSPCC supporters, presumably) into criminals if they smacked their children, no matter how mildly.

We would respectfully suggest that the NSPCC is doing a disservice to the very children it was established to assist, by suggesting that all forms of corporal discipline are abusive. To equate a moderate smack with the kind of horrific abuse experienced by such children, only serves to obscure and trivialise their suffering.



# Barnardos

# “We don’t believe in smacking, but we don’t think it should be banned either!”

*Why the Association of Workers for Children with Emotional and Behavioural Difficulties  
is not supporting the Children are Unbeatable alliance*

**A**mong the organisations who declined Peter Newell’s 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.

In his letter to *Families for Discipline*, the Association’s administrator, Allan Rimmer added, “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.”



# “If only these social workers understood how they rip a family apart when they get involved”

*The recent experience of one Scottish family underlines the need for the police and social authorities to stand back and assess what is really in the best interests of a child and of the family, rather than being blindly carried along by the winds of political correctness*

**H**e was an ordinary man from an ordinary family - a respected primary school teacher with over 15 years experience and the father of three young children. On Christmas Eve in 1998, he took his 8 year-old daughter to the dentist to have a tooth out, after she had been suffering from toothache for the previous two nights. But later that same day, he found himself held in a police cell for 6 hours.

He was not allowed to return home for two weeks, apart from three one-hour visits when he was supervised by social workers: “They followed me every time I went upstairs. I was never out of their sight. It was completely degrading and humiliating.” His children were subsequently placed under a Supervision Order, and the family has been subjected to weekly visits from social workers. He was immediately suspended from his teaching post, and now, over a year later, he is still waiting to hear whether he may ever teach again.

What had he done? What crime had he committed? He had smacked his daughter in the health centre after she had sustained a 40 minute protest about going into the dentist’s surgery.

### The facts

It may be argued that those of us who were not there are not in a position to comment. But the simple facts of the matter are that the girl herself said that “the smacking was not sore” and no one is suggesting that the father is an habitual child abuser. Yet the incident was witnessed by two health workers, who promptly called the police. The father was prosecuted and five months later left Hamilton Sheriff Court with a criminal record having been convicted of assault. The Sheriff, Dan Russell, held that the father had “evil intent” and caused his daughter “unnecessary suffering” when he smacked her.

The speech therapists who reported the incident described in court how they had seen the girl screaming in agony. But the father, Mr F, explained, “She was in a state of distress, not because of me smacking her bottom, but because of the thought of going into the dentist... I was definitely upset and I was definitely flustered and I felt under stress. But in no way did I lose my head and indiscriminately attack her.”

The way in which this family has stood together throughout their ordeal is testimony to their love for each other. Immediately after the Court hearing, when she had been forced to testify against her father, the first thing the 8 year-old girl did was to throw herself into her father’s arms. As Mrs F commented afterwards, “She’s had to go through the trauma of giving evidence and see her dad in the dock. She had to spend Christmas without her dad. She cried every night and kept asking if it was her fault that her daddy couldn’t come home. If only these social workers understood how they rip a family apart when they get involved.”

### Indifference

Yet children’s rights campaigners appear completely indifferent to the suffering of children and families in such circumstances. Rachel Hodgkin of EPOCH (End Physical Punishment of Children) told the BBC, “While there is no law which states that children can’t be assaulted, we’re going to have cases such as these.” ‘Assault’ is EPOCH-speak for smacking. But of course her claim is complete nonsense. If smacking were to be banned, we would have even more of cases like this one, and the misery caused to families would be multiplied.

The *Yorkshire Post* reported Dr Peter Stratton, director of Leeds University’s Family Therapy and Research Centre as saying it must have been humiliating for the girl: “The idea of hitting a child for being frightened seems to me to be not ideal parenting.” Indeed not. But are we really saying that parents should be criminalised for ‘non-ideal parenting’? Doesn’t every parent sometimes fall short of ‘the ideal’? And in any case, who is to define what constitutes ‘ideal parenting’ anyway? Once we start arguing along these lines we are on a very slippery slope indeed! Are we going to see parents prosecuted and families broken up because Mum serves up chips more than twice a week and lets the children go to bed without cleaning their teeth? Or because Dad spends the evening hidden behind his newspaper in front of the TV instead of interacting with his children?

*Continued over...*

### False dawn

On 9 June, three weeks after his conviction, Mr F was admonished and discharged. Sheriff Russell told him: "You have already suffered substantially, been questioned by the police, charged and convicted of this offence, with substantial loss to your previous clear record. You have also suffered temporary exclusion from your home and your family. What has occurred already should be sufficient to ensure no recurrence of such behaviour. Clearly you have the worry and uncertainty of what effect this conviction may have on your future professional life."

He was urged to return home to his children and put the incident behind him. The family went away on holiday last summer believing that their ordeal was over, only to find a letter from Social Services on their doormat when they returned, calling them to a Children's Panel. Since then, they have continued to receive weekly visits from social workers, who have carried out 'risk assessments' on Mr F and generally checked up on his ability as a parent.

### Out of proportion

The way in which this case was handled is in itself an example of child cruelty. And yet it is apparently of no interest to the Royal Scottish Society for the Prevention of Cruelty to Children. It is not as if it were a question of whether or not we believe the father was right in the way that he smacked his child, or even whether we believe in smacking at all. There is little doubt that if Mr F had been allowed to return home to spend Christmas with his family and no further action had been taken, his daughter would have forgotten about the whole incident. Mr F may have "gone over the top" to use his own words, but his daughter had not been traumatised by the event and neither had their relationship suffered as a result. But as it is, the incident has been blown out of all proportion and the girl

has suffered fears, sleepless nights, repeated intrusion into the privacy of her home, and the memory of the whole ordeal will remain with her for the rest of her life.

Nigel de Gruchy, the General Secretary of the NAS/UWT commented: "If it was just a family tiff and the proverbial clip round the ear, it's out of proportion to take the thing to court. The more we go down that road, we will be in court every day, deciding trivial family matters. It is all too silly for words."

### Ritual abuse

Campaigners for 'children's rights' place great emphasis on listening to children and respecting the views of the child. All very well in theory, but in practice they only listen when it suits them - when the children are saying things which fit in with their agenda. Mr F's daughter has repeatedly told social workers that she neither wants nor needs them to visit her. But still they come - for her "protection" they say. A journalist with the *Daily Record* reported how, as she left the home following an interview with the family, the little girl told her, "I would rather my daddy had smacked me fifty times than any of this had happened. Please make them stop it."

In response to a report that appeared on *BBC Online*, Andrew Hicks wrote: "What has damaged the child more? Being smacked on the bottom or seeing her father being forced to leave the family home over Christmas by social workers, having to testify against him in court and knowing that his job, the livelihood of the entire family, including herself, now hangs in the balance because she threw a tantrum and got spanked for 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.*"

**"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."**

**Lynette Burrows, *The Fight for the Family*, pp54-55**

**\* Schofield & Thoburn, *Child Protection: the voice of the child in decision-making* (Inst for Public Policy Research, 1996)**

### Effective Discipline - a key to justice and values

*Phil Williamson, Headteacher at Christian Fellowship School in Liverpool, tells us why he has lodged an application at the European Court of Human Rights following last year's ban on corporal discipline in independent schools*

**T**he legislation to ban corporal discipline in schools has had serious consequences. Since 1987 when the ban was imposed in state schools the number of pupil assaults on teachers has increased as has the number of pupils who are permanently excluded. Bullying has grown into a major problem and it is quite evident that our schools have become more violent and less safe.

Teenage crime is escalating, which all makes the recent Department for Education and Employment (DfEE) initiative for Citizenship to become a compulsory subject in the curriculum rather like shutting the stable door after the horse has bolted. However no one in the DfEE or the government seems prepared to accept what is staring them in the face; namely that education is as much about communicating values as it is about academics and while the league tables and other government figures seem to indicate that academic standards are rising, the same cannot be said about moral standards.

#### Moral values

How to communicate moral values is something noticeably absent in all the volumes that have been sent to schools from the onset of the National Curriculum which was introduced in 1988 to raise standards. It seems incongruous therefore to remove a form of discipline which is a proven means of setting moral boundaries, sensitising the conscience to what is right and wrong and establishing a sense of justice in the life of an individual or school community.

It would appear that few would associate corporal discipline with values and justice. It is mainly viewed as a punishment. For centuries it has been used in our nation as a part of our Judaeo-Christian heritage and now it has gone from our schools. This was contrary to the wishes of the majority of parents but at the decree of the so-called experts it was removed so as to embody political correctness.

#### Eroding standards

Schools in the independent sector, mainly Christian, which continued to use corporal discipline up to July 1999 are in a position to comment on the effects of the ban so far. Perhaps the most noticeable thing has been the relative ineffectiveness of alternative forms of discipline and the deterioration of some teacher pupil relationships.

It is evident that certain children want to push the boundaries as far as they can. Standards have not dramatically fallen but one is aware that they are being eroded slowly but surely.

It has taken decades to establish schools with reputations for secure happy children, pleasant friendly relationships and a conducive learning atmosphere where there is an emphasis on moral and academic development. In just a short space of time concern is being expressed about our difficulty in maintaining these things.

#### No alternative

There was no alternative but to challenge the right of the government to impose a ban on corporal discipline in independent Christian schools. An application was therefore duly submitted to the Court of Human Rights in Strasbourg on 21 September 1999 on behalf of the parents of children at forty schools. The application argues that the government has undermined the right of parents to choose the type of school that is most suitable for the upbringing of their children.

In the majority of cases parents choose our schools because they are distinctly Christian and offer an environment that is caring and disciplined. Our philosophy, policies and practices have their roots in biblical principles which produce our distinctiveness. Our aim is to mirror the values of a Christian home, to partner parents in the upbringing of their children, to act *in loco parentis*.

This is what is being denied by our government. If the court in Strasbourg rules in our favour it will restore the God-given right of parents to choose the blessing of godly discipline for their children. It will also help the Government to see that there are limits to how far its authority should extend over the family.

● *Phil Williamson has served as headmaster of the 200-pupil Christian Fellowship School in Edge Hill, Liverpool since 1981. His application to the European Court of Human Rights is supported by the parents of children at the school and by 40 other independent Christian schools.*

# Corporal Discipline in Schools: A Diary of Events

**25 Feb  
1982**

The European Court of Human Rights (ECHR) ruled in favour of two mothers from Scotland who were opposed to the use of physical punishment and did not wish either of their sons to be subjected to it. In its judgment, the Court ruled that the State must respect the religious and philosophical convictions of parents with regard to the administration of corporal punishment in schools (*Campbell & Cosans v UK*).

**22 July  
1986**

MPs voted for the abolition of corporal punishment in state schools by a majority of one vote (231-230).

**25 March  
1993**

The ECHR ruled that the slapping of a boarding school pupil, was not "inhuman and degrading" under the terms of Article 3 of the European Convention on Human Rights (*Costello-Roberts v UK*).

**Nov  
1996**

Four national polls conducted on behalf of Sunday newspapers, suggested that two-thirds of the general public supported the restoration of physical punishment in state schools.

**28 Jan  
1997**

James Pawsey MP, moved an amendment to the Education Bill to permit the limited use of corporal discipline in maintained schools with parental consent. The amendment was defeated by 376 votes to 101.

**26 Feb  
1998**

In Committee, Liberal Democrat Education spokesman, Don Foster, moved an amendment to the School Standards & Framework Bill

to outlaw any form of corporal punishment in independent schools.

MPs voted at 5.38 am to abolish corporal punishment in independent schools by 211 votes to 15. Gerald Howarth MP argued that there was an important point of

principle at stake: "that it should be the right of the parent to decide...I have a suspicion that this is the first step towards Parliament and the law of the land telling parents what they may do in their own homes."

Julian Lewis MP observed that "no argument that has been used tonight to outlaw modest physical punishment or restraint in schools could not be used to outlaw modest physical punishment or restraint in the home... Everyone seems to be agreed that physical punishment of an abusive nature is not going on in public schools, so why the urgency to legislate?... By ruling out physical punishment for the teacher, the new clause is designed, intended and motivated to rule it out in the not too distant future for the parent as well."

However, Education Minister, Estelle Morris, declared: "I can give a further assurance...that the Government would certainly not support an extension of the provision into the realms of the family."

**15 April  
1998**

Estelle Morris assured *Families for Discipline* that the Government had no intention of extending the prohibition of corporal punishment into the family setting, and added: "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." These same

words were subsequently reiterated by Education Minister Baroness Blackstone, and by the Secretary of State, David Blunkett.

However, they all appeared quite oblivious to the fact that this is precisely what the Government was doing with regard to the disciplinary arrangements parents wished to make for their children while at school.

**16 June  
1998**

Baroness Blatch moved an amendment in the House of Lords which paid due respect to the religious and philosophical convictions of parents. She referred to the "cogent points" made by *Families for Discipline* in briefings sent to peers, and added that she had received more letters on this issue than virtually anything else in the entire Bill.

Towards the end of the two-hour debate, Lady Blatch quoted movingly from a few of the letters she had received in which parents expressed their appreciation of the firm but fair approach to discipline from which their children had benefited.

Opponents of her amendment, however, showed a total disregard for the views of parents of children in independent schools that retained the use of corporal discipline. Their arguments were rather based on ideology and personal prejudice, and the amendment was defeated by 150 votes to 64.

**13 July  
1998**

At the close of the final debate on the School Standards & Framework Bill in the Upper House, Lord Monson described the measure as 'deplorable' because, "unlike the rest of the Bill it was not in Labour's manifesto at the last General Election. It was pushed through the House of

Commons at five o'clock in the morning with no previous public debate and with no consultation with those affected; that is, the independent schools in question and the parents of the children at those schools."

He called upon the Government to respect the religious and philosophical convictions of those parents who supported the use of corporal punishment in schools no less than those who opposed it, and to delay bringing the provision into force until the ECHR had ruled on an application from parents who wished to preserve the status quo. This request was rejected by the Government.

**July  
1998**

Ironically, in the very same month that Parliament voted to effectively abolish corporal punishment in

independent schools, the Department for Education and Employment (DfEE) was compelled to publish guidance on the use of "reasonable force" in schools.

While emphasising that the new guidance "does not in any way authorise the use of corporal punishment," the DfEE attempted to outline the circumstances under which physical intervention may be applied.

The guidance circular even envisaged "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*

Upon seeing these guidelines, parents and teachers from one inner London independent Christian school petitioned the Prime Minister and made the following point: "How many schools in the country can say they have no bullying, no playground violence, no bad language and no drug problem? We have no wish to invite the kind of problems which recently led the DfEE to issue guidelines permitting teachers to slap, punch, kick or headlock pupils in exceptional circumstances. All we ask is for Parliament to respect the ethos of the school and the mutual respect we enjoy between parents, teachers and pupils."

**7 April  
1999**

An article in *The Times* referred to a 4 year-old boy who was excluded in his first week at school after biting 16 children and 4 teachers. A representative of the NAS/UWT said the boy was unteachable and called for disruptive children to be kept out of mainstream schools."

**1 Sept  
1999**

The Government introduced the ban on corporal discipline in independent schools.

**21 Sept  
1999**

Phil Williamson, headmaster of the Christian Fellowship School in Liverpool, went to Strasbourg to present an application to the ECHR on behalf of parents and staff at 40 independent Christian schools.

**7 Dec  
1999**

The Legal Secretary to the ECHR responded to the application by stating that the new law did not explicitly abolish corporal punishment in independent schools (*see front page*).

**7 Jan  
2000**

The *Times Education Supplement* published the findings of a poll which showed that lack of discipline in schools was a major concern among 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 teacher shortage (9%), overcrowding (7%), poor teaching (7%), and lack of parental support (2%). Only lack of resources scored higher (30%).

51% favoured a return to corporal punishment in schools, with 47% against. Significantly, however, of the 1,000 people surveyed, only 326 were men, and over two-thirds were women. Since in previous polls, men have tended to support the use of physical correction more than women, had the gender balance been more equal, we might expect to see the percentage in favour of the restoration of corporal discipline in schools, to rise to around two-thirds, as it did in November 1996.

### ***Liberal Democrats support parental choice on corporal punishment in schools***

Liberal Democrats in Yardley have issued the following statement on discipline in schools:

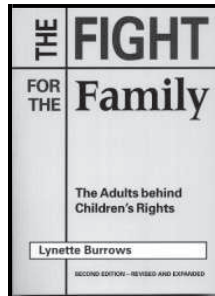
"Currently around 5% of children (in Birmingham) are essentially away from school truanting. These children need to be brought back into the education system. If they are going to be at school, however, then the teachers need backing in operating firm disciplinary systems. Giving parents the ability to vote to reintroduce corporal punishment in particular schools is worth considering. (It does less damage than exclusions)."

# Children Manipulated and Parents Marginalised

*A review article of the revised and expanded edition of The Fight for the Family*

*by Lynette Burrows (Family Education Trust 1999) 95pp £5.00*

**W**hen *The Fight for the Family* was published early in 1998, children's rights campaigners made every effort to suppress publicity in the national press. In the event, their threats of legal action came to nothing and the first edition went out of print in a matter of months.



The Family Education Trust have now issued a revised and expanded edition of the book in which Lynette Burrows includes fresh information about the children's rights movement in addition to all the material which appeared in the first edition.

## Parents marginalised

In her foreword, the Trust's Director, Valerie Riches, notes how, in the name of children's rights, government bureaucrats have gained an unprecedented entrée into the personal lives of individuals. Traditionally, parents have been the first line of defence in protecting children from harm, but in recent years parents have been increasingly marginalised with the increasing professionalisation of childcare.

Mrs Riches argues that, motivated by power and money, there has been a tendency for state-funded professionals to "over-ride parents by helping children to seek contraceptive advice behind their backs, or to place themselves in local authority care, for example. Then they are paid to try to solve any problems which result from their earlier interference, such as sexually transmitted disease, pregnancy, abortion, homelessness and drug-dependence." Ironically, these same professionals "have persuaded a largely well-meaning but often ill-informed media that they know so much more about child rearing than parents do, and that parents should be obliged to go to them to learn 'parenting skills'."

Among the new material in this revised edition is a discussion of the *Children are Unbeatable* alliance, the debt the children's rights movement owes to the funding of the Calouste Gulbenkian Foundation, the impact of politically-correct thinking in local authority social services departments, and the damage being done to children and families in Sweden.

## Children as political pawns

There are also some very penetrating observations on the whole philosophy behind the leading "children's rights" campaigners. For example, on the 'right' of practising homosexuals to foster and adopt children:

*"[T]here are some social services departments who not only ignore [the] basic right of children to have a parent of either sex in their foster home, but force the child to be the innocent means by which they achieve their ideological ends. It is the child which they use as a battering-ram to break down the prejudices of society and most people would consider this a flagrant breach of the child's right to be placed in an uncontentious family background."* (pp32-33).

Mrs Burrows also refers to the injustices suffered by a growing number of ordinary families at the hands of tyrannical officials investigating allegations of child abuse. Yet, she points out, that such bullying tactics which do so much damage to families, are of no concern to those who advocate the cause of "children's rights". It reveals, she says, that

*"children's rights organisations do not regard parents and children as part of a unit. The family and its well-being, is not their concern, and their well-known, exceedingly well-financed organisations have a narrow focus that completely ignores the widespread abuse of children, via the persecution of their families."* (p72)

## Inconsistent claims

'Children are people too!' trumpet the advocates of "children's rights". You don't hit adults, so you shouldn't be allowed to hit children. As an adult, you can express your sexuality, control your fertility and, through the democratic process, have your say about the kind of society you want to live in. Children are people too - so shouldn't they have the same rights? At times it sounds as if they want to completely eradicate any distinction between adult and child. Yet, as Lynette Burrows points out, "The assertion of children's rights in their current form is both bogus and inconsistent.

*"They do not, for example, propose to raise children to the level of adults where they would be named, prosecuted and punished for violence and disorderly behaviour. Neither are they proposing that children be allowed to choose if they drink, smoke or attend school. The 'rights' which they are prepared to support conform*

*to a strict agenda and do not include such things... we are not talking about genuine children's rights at all. We are talking about the right of some adults - and certainly not ordinary parents - to decide what children shall and shall not be allowed to do. Children themselves are just the means by which they achieve their aims. Their effect, if not intentions, is to reduce us all to the level of dependent children, waiting to be told by Nanny State what rights we have left with which to control our own lives and to make decisions for the welfare of our families." (p74).*

In these lines we are convinced Mrs Burrows has hit the nail on the head. Children are being manipulated and used by a tiny minority of adults in the name of children's rights, while the true advocates of children - their parents - are marginalised and ignored.

### Strategy

There is also no doubt that, whether intentionally or not, the children's rights movement is serving to advance the paedophile agenda. In this connection it is disturbing to note the conscious change of strategy adopted by paedophile lobbyists some twenty years ago. Lynette Burrows recalls how in 1977, the Editor of *Magpie*, the journal of the Paedophile Information Exchange judged that the PIE was not ideally placed to champion the cause of children's rights. The initiative must therefore come from:

*"enlightened progressives, scientific research bodies and professional pressure groups; adults whose arguments cannot be damaged or destroyed by an opposition able to claim that they're guided by self-interest. People with the courage to face the wrath of a nation poisoned by Christian attitudes to sex" (p41).*

She further notes that just two years later, the Children's Legal Centre was founded with Peter Newell, formerly of the National Council for Civil Liberties, as its co-ordinator. Since then, Mr Newell has founded and been closely associated with a whole host of children's rights organisations including EPOCH, the Children's Rights Development Unit, the Children's Rights Office and Article 12.

This book contains vital information which parents and all concerned with the well-being of children need to be aware of. We know of no other book which provides such a thorough exposé of "the adults behind children's rights" and therefore warmly commend this new edition of *The Fight for the Family* and wish it a wide circulation.

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*We are able to offer copies of the revised edition of **The Fight for the Family** at a reduced price of £4.00 (inc p&p). Please use the enclosed order form.*

## Parents are people too!

*The well-publicised experience of a Council leader last year highlights the need of legal protection for parents*

Last July saw Mike Brundle, leader of Bury St Edmunds Council arrested and held in a police cell for six hours for allegedly "assaulting" his 15 year-old daughter when he grabbed her wrist in an attempt to prevent her from going out with "undesirable friends". After his release on police bail, Mr Brundle described how he had been treated like "a common criminal" for doing "what any father would do" to protect a daughter. He said there was no way he was guilty of assault - his daughter had no more than a couple of tiny bruises caused by her struggling.

Commenting on Mr Brundle's experience, Shadow Home Secretary, Ann Widdecombe, stressed that parents must be allowed to use "reasonable force" to discipline their children without state interference. She said Conservatives would review the law on child abuse if it was being used by police or social workers to justify "unwarranted intervention" in domestic situations.

Miss Widdecombe insisted that social workers should have helped Mr Brundle to protect his daughter instead of investigating him: "I stand foursquare behind parents' rights to use reasonable force to protect their children and instill a sense of discipline in them from an early age." She expressed concern that police and social workers appeared to be interpreting the Children Act in an "over-zealous" way, and added that "we may need to start thinking about how we give parents some protection in law".

Arguing that the state had "no right" to dictate to "loving and responsible" parents, Miss Widdecombe added that "the Government should be using its resources to protect children who are genuinely at risk from bad parents. Instead, it seems intent on meddling in the lives of decent people who are trying to instill good morals in their children in a caring but disciplined family environment."

**"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."**

**- from a letter written by former patrons and trustees of Parents Against Injustice, published in *The Times* 25.11.99.**

### News In Brief

#### **Private foster care**

The Government has confirmed that private foster carers may continue to use moderate and reasonable physical discipline. In a written answer to a Parliamentary Question, Health Minister, John Hutton stated: "Corporal punishment is not permitted by law, with the exception that a parent or someone acting *in loco parentis* is entitled to administer corporal punishment that is reasonable in all the circumstances. Legislation prohibits corporal punishment in children's homes, foster care and registered care homes.

"Current legislation does not prevent the use of corporal punishment by private foster carers. Children Act guidance on assessing the suitability of private foster carers states that social workers should explore the (private) foster carers' views on discipline, including the preparedness to accept that corporal punishment is inappropriate for children who are privately fostered." (Hansard HoC Written Answers, 8 Col 87)

#### **"Need a Nanny?"**

A leaflet of this title, written by the Daycare Trust and the National Early Years Network and published by the Department for Education and Employment (DfEE) during 1999, included the following statement under the heading, 'Positive Discipline Strategies':

"a trained childcare worker would **never** use physical punishment as a form of discipline" (emphasis in original).

Quite apart from suggesting that there is something distasteful and unprofessional about the use of physical correction, the statement is quite simply *untrue*. It is a matter of simple fact that many trained childcare workers *are* prepared, with the parent's agreement, to use lawful

and reasonable corporal discipline in appropriate circumstances.

On the basis that the statement was both untrue and misleading, *Families for Discipline* asked the DfEE to remove it from any future reprints.

In reply, the Department said that physical punishment was not included in any syllabus for the training of childcare workers and expressed the belief that "nannies and other childcare workers will have special skills for looking after young children and can be encouraged to develop other strategies for helping children to understand the difference between acceptable and unacceptable behaviour.

"Ultimately, however, it is left to the parents of the child to decide if smacking is acceptable to them and to come to some agreement with the childcare worker as to when this is allowed." The DfEE added that they had noted our concerns and would consider making an appropriate amendment to this section in any future reprint.

#### **Media Opportunities**

In the past 18 months, we have provided spokesmen for a number of television and radio broadcasts, including: BBC Radio 4 *Today* programme, *Kilroy*, *Vanessa*, Premier Radio, BBC Radio Sheffield, BBC Radio Newcastle, BBC Radio 5, GMTV, BBC News and ITN News.

#### **Oklahoma USA**

In the wake of the Columbine High School killings in Colorado, Oklahoma state legislators have passed a bill to remind parents that the use of moderate physical correction does not contravene the law on child abuse.

The bill's author, Democratic Senator, Frank Shurden, said he had decided to clarify the law after two students armed with guns and bombs killed 13 people and themselves at Columbine High School last April.

"That's what got me spurred," he declared. "I feel like the lack of discipline has led to what we are into now, total chaos and disrespect."

Senator Shurden was also concerned that many child abuse investigators and welfare workers tended to equate corporal discipline with child abuse and that children threatened their parents with charges of abuse to get out of what he described as perfectly reasonable corporal discipline.

#### **Lord Jakobovits**

We were sorry to learn of the death, last Autumn, of the former Chief Rabbi, Lord Jakobovits. Married, with six children, Lord Jakobovits showed a keen interest in the work of many pro-family groups, including *Families for Discipline*.

In November 1995, he wrote a vigorous defence of the parental use of physical correction (*I smacked my children because I love them*, *Daily Mail* 10.11.95). He argued that it was nonsense to say that the corporal discipline of children breeds violence. Parents have never been *less* inclined to smack their children than they are today, yet children have never been *more* violent.

"In the long run," he wrote, "it is far more damaging to be over-permissive to children than it is to stamp down hard on their violent behaviour... I come from a large and traditional Jewish family. we were brought up in a secure, loving, but firm and disciplined manner. My wife and I raised our six children in the same way. Each is now happily married and admired as well as respected by their children."

He strongly opposed moves to outlaw the physical correction of children, believing that "the concept of children holding their parents to account in courts of law will lead to the breakdown of civilised society."

Our sincere condolences go to his widow and family.