

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Our Ref - JCP\25\169

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

31 October 2025

Dear Kathy,

JUSTICE BILL - REASONABLE CHASTISEMENT/EQUAL PROTECTION – JOINT SESSION WITH DOJ AND DOH

Thank you for your recent letter in which you have advised that the Committee wish to have a joint oral evidence session on 6 November with DoJ and DoH officials on the subject of reasonable chastisement.

The Justice Bill is currently at Committee Stage and Michelle Guy MLA has tabled a [Notice of Amendment](#) to abolish the common law defence of reasonable punishment.

Written briefing on the topics relating to the Department of Justice that the Committee wishes to discuss at the meeting have been provided in the following paragraphs. Andrew Dawson, Director, Criminal Justice Policy and Legislation Division will be in attendance at the joint evidence session on behalf of the Department of Justice.

Concerns about criminalising parents

Removing the defence of reasonable chastisement would not be about criminalising parents but rather it about providing support and guidance for parents to enable them to use other non-physical methods to chastise their children. Should the defence be removed, it would be extremely important to consider an implementation period during which the general public would be informed of the change in the law, which should reduce the chances of parents being criminalised, and give organisations sufficient time to prepare and put measures in place well in advance of the change in the law. A public awareness campaign would also assist in educating the general public of the changes and in reducing the potential criminalising of parents.

Prosecutions and/or use of the current defence by parents/guardians

The Public Prosecution Service has been unable to identify specific cases where the reasonable chastisement defence would have come into play and it is not possible to search for this on its case management system. However, I understand that there is broad agreement amongst Assistant Directors and Senior Public Prosecutors that the defence would be a fairly routine consideration where the offence is one of common assault, especially where the case involves a parent/guardian/caregiver and a child.

Research/evidence base for abolishing the defence and on the long-term impact of reasonable chastisement

In 2024 The Royal College of Paediatrics and Child Health published a report entitled *'Equal Protection from Assault in England and Northern Ireland - The health, education and legal case for legislative change to remove the "reasonable punishment" defence and to prohibit all physical punishment of children'*.

This report provides evidence of the negative effects of physical punishment of children stating that it is consistently associated with a variety of negative health and developmental consequences for children, which significantly increases their risk of

experiencing physical abuse, and increases their risk of experiencing mental health problems.

The report also states that evidence shows that children who experience increasing levels of parental aggression become more aggressive themselves over time and develop poorer quality parent-child relationships and that disciplining children through physical violence merely serves to educate them that such violence is accepted and encouraged by society, which may teach them to behave in this way as they grow older.

Tolerating physical punishment of children also makes it difficult for healthcare professionals and other childcare practitioners to distinguish between children who are routinely abused and children who are largely well cared for.

Prohibiting physical punishment in all circumstances would leave decisions on whether or not to prosecute for prosecutorial discretion or guidelines. As to whether actions were unlawful, and appropriate levels of sentencing, would be left to judicial discretion. Taking such decisions out of the hands of front-line children's service practitioners allows them to focus on assessing and supporting the child in front of them and facilitates straight forward and open communication with families about safe parenting practices.

Position in other jurisdictions and experiences

The defence was removed in Ireland in 2015, Scotland in 2020 and Wales in 2022.

The Welsh Government prepared for the removal of the defence of reasonable punishment by having a 2-year implementation period. The prohibition came into force on 20 March 2022, two years after the Act received Royal Assent.

The Welsh Government developed a comprehensive strategy and campaign to raise awareness of the change in the law. The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 requires the preparation of 2 reports on the effect of the Act in 2025 and 2027. The first report is due at the end of this year.

To support these reports the Welsh Government collects data from local authorities, the police, and the Crown Prosecution Service.

The Welsh Government also set up the Out of Court Parenting Support Grant in March 2022 in preparation for the Act coming into force. The grant funds bespoke parenting support which the police can refer people to as an alternative to prosecution in cases where the police decide it is appropriate to offer an out of court disposal. The support is designed to encourage and support parents/carers in adopting positive parenting techniques while helping parents/carers understand why the physical punishment of children is unacceptable in all circumstances.

From 2022 to 2025 there were 365 individuals referred to the scheme, with 335 taking up the offer, 310 completing the scheme, and 265 reporting a positive outcome.

CPS monitoring data by the Welsh Government for 2023/24, of cases charged which relate to the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 are not published as the number reported is fewer than five, posing a risk to personal information being disclosed. However, the low number of prosecutions indicates that any initial fears about criminalising parents has not materialised.

The Department of Education in England has provided an update on its policy position advising that removing the defence is an important legislative decision and it is vital that they get it right. It is looking closely at changes in Scotland and Wales and continues to build an evidence base but do not believe it is the right time to legislate. It awaits the publication of the report in Wales on the effect of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 at the end of the year and when published they will need time to fully understand the findings.

Scotland removed the defence of reasonable punishment in 2020. The change in law came into effect on Royal Assent without any lead in time for implementation and no

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public awareness campaign. Officials in the Justice

Directorate in Scotland said this initially impacted police and social services the most.

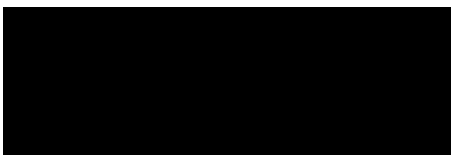
We understand that at the time the lack of an implementation period generated some criticism especially from police and social workers who were left to deal with the impact of the change in law. There are no statistics available on the impact of the removal of the defence, however, social services reported an initial spike in child protection cases which levelled out and now numbers remain very low.

Any learning from what is happening re the abolition of the defence in Wales and the impact on social services there.

We understand that statistics indicate that parents are not being criminalised and that the courts and police are not being overwhelmed. The official review of the impact of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 is due for publication before Christmas and this should give more information on the effect of the ban and any impact on social services.

The key learning for Northern Ireland is that if there is a change in the law here, key stakeholders should be brought together i.e. government, police, social services, Children's Commissioner and children's charities, to form a working group to prepare and put processes in place to deal with the changes, which in itself would help to mitigate the potential criminalisation of parents.

Yours sincerely



**DAVID GRAHAM
DALO**