

## Smacking Ban Law

### Repeal of Children (Jersey) Law 2002 Article 79

### Practice Note



The Children (Jersey) Law 2002 sets out clearly that it is an offence to intentionally or recklessly cause harm to a child.

As from 24 April 2020 the Law ended the defence of “reasonable corporal punishment” of children as justification of physical punishment. This means any parent(s), legal guardian, or any other party having lawful control or charge of a child, could face prosecution for the physical punishment of a child. Action may be taken to safeguard and protect the child(ren) by the relevant authorities on behalf of the Minister.

The Law has been amended to protect the rights of children, in line with the United Nations Convention on the Rights of the Child (UNCRC) which demonstrates physical punishment is not effective and can be harmful. This amendment provides a measure to protect children and ensures that every child has the same protection from assault under the Law, equal to that already available to adults. The amendment reflects effective modern parenting practice.

We know the negative impact that physical harm can have on a child, sometimes lasting long after the event. This change in the legislation will support children's rights and parents' and carers' responsibility to ensure they provide care, nurture, and discipline that is in accordance with the Law.

The legislation is aligned to:

- Jersey's Pledge - *Putting Children First* - and upholds the rights of every child on the island
- Building a community which values and cherishes its children and young people
- Supporting parents and carers in their caring and nurturing role

This amendment does not introduce any new offence of assault against the child since assault is already a crime. What it does remove is the Statutory Law defence of "reasonable corporal punishment." It does not change how practitioners already

respond to safeguarding concerns of this nature. Practitioners with concerns about how to respond should seek advice from their safeguarding leads.

Anyone witnessing an assault of a child should contact the Police immediately. If a child is disclosing physical chastisement and/or observed with bruising, marks or injuries that are consistent with the harm caused in this way, then a referral should be made to the Children and Families Hub. Everyone in Jersey has a responsibility to keep children safe and protect them from harm.

Sometimes parents or other family members recognise that they need help with parenting. Asking for help is a positive step. Those who wish to seek advice and support can contact a range of different agencies and professional sources for help.

**See links:**

<https://www.gov.je/News/2020/Pages/SmackingBanLaw.aspx>

Government website Putting Children First

**Supporting links:**

Jersey Children First – guidance for practitioners.

<https://www.gov.je/Caring/JerseysChildrenFirst/Pages/GuidancePractitioners.aspx>

Jersey Putting Children First (2019) – supporting agencies and contacts.

<https://www.gov.je/Caring/JerseysChildrenFirst/Pages/PuttingChildrenFirst.aspx>

John Finnie MSP (2017). Proposed children (Equal Protection from Assault) (Scotland Bill) Summary of consultation responses.

[https://www.parliament.scot/S5MembersBills/Consultation\\_summary\\_physical\\_punishment.pdf](https://www.parliament.scot/S5MembersBills/Consultation_summary_physical_punishment.pdf)

United Nations Convention on the Rights of the Child (updated 2011).

<https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child>