

WHAT DOES THE REPEAL OF ARTICLE 79 MEAN?

Background

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

The repeal of Article 79 of the Children (Jersey) Law 2002 ends the defence of 'reasonable corporal punishment' as justification of physical punishment. Article 79 was repealed in March 2020.

Why it Matters?

Physical punishment is not effective and can be harmful. It has a negative impact on children, sometimes lasting long after the event.

This amendment helps 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.

What to Do

What do you know about the child's lived experience?. Be professional curious when you see injuries and/or are given explanations for them.

How do you facilitate disclosures from children? Do you know where parents can get parenting support?

Sometimes parents/other family members recognise 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 & professional sources for help. The Children & Families Hub Information Directory provides information on some of these.

www.gov.je/Caring/ChildrenAndFamiliesHub/Pages/ChildrenAndFamiliesHubHomepage.aspx



Information

The repeal of the law means that any parent(s), legal guardian or anyone else having lawful control or charge of a child can face prosecution for the physical punishment of a child. Action may be taken to safeguard and protect the child or children. This supports children's rights and parents' and carers' responsibility to ensure they provide care, nurture and discipline in accordance with the law.

If you witness an assault of a child you should contact the Police immediately. A MASH enquiry should be made if a child discloses physical chastisement and/or has bruising, marks or injuries that are consistent with harm caused in this way.

Consider the location and shape of any injuries, marks or bruises – are they consistent with the explanation given by the child and/or the parent/carer or other adult?

This does not introduce any new offence of assault of a child – this is already a crime. It removes the 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. Everyone has a responsibility to keep children safe and protect them from harm.