

Section 58 of Children Act 2004 Review (Consultation)

Consultation Response Form

The closing date for this consultation is: 10
August 2007

Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Education and Skills e-consultation website (<http://www.dfes.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

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If your enquiry is related to the policy content of the consultation you can contact the Section 58 team on:

Telephone: 0207 273 5673

e-mail: section58.consultation@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794113

e-mail: consultation.unit@dfes.gsi.gov.uk

Please insert an 'x' into one of the following boxes which best describes you as a respondent.

<input type="checkbox"/> Parent	<input type="checkbox"/> Teacher	<input type="checkbox"/> School
<input type="checkbox"/> Local Authority	<input checked="" type="checkbox"/> Charity/Voluntary organisations	<input type="checkbox"/> Social Worker
<input type="checkbox"/> Police/Legal Professional	<input type="checkbox"/> Local Safeguarding Children's Board	<input type="checkbox"/> Medical/Healthcare Professional
<input type="checkbox"/> Other (please specify)		

Please Specify:

Parentline Plus is a national charity that works for, and with, parents. We are the largest independent provider of parenting support in the country. We encourage parents to see that asking for help is a sign of strength, and work with them to offer practical solutions and to suggest ways to manage their particular situations and difficulties. We deliver this support through an innovative range of free, flexible, responsive services - shaped by parents for parents. Our flagship service is our free, confidential telephone line for parents – Parentline. We also provide integrated face to face services are delivered in our thirteen area offices located across England. We also publish information leaflets to meet parents' concerns through each stage of their child's development; a website with downloadable information for parents, resources for professionals and active message boards and email support offering a confidential, personal response to specific issues.

Parentline Plus' programme of family support is built on our understanding of how and why parents struggle. Key to its effectiveness is our use of parent to parent support which enables us to deliver non-stigmatising and respectful services, reaching traditionally hard-to-reach groups – both mothers and fathers, and those from different socio-economic, ethnic and faith groups. Our services are whole family focused; we understand that parents want to stay in control of their family life. They want the building blocks which allow them to make decisions and choices for their children and for themselves¹ and we work with them to look at solutions which will enable them to make such informed choices.

¹ Quinton D, *Supporting Parents, messages from Research*. DH, DfES, 2004

1 To what extent has section 58 improved legal protection for children in cases of alleged assault by their parents?

Please explain your answer in detail and provide evidence for your view

Comments:

Section 58 has not improved protection for children; they should be afforded the same protection as any adult which is not the case at the moment. Parents are confused by the current position which is not helpful for them and very difficult for professionals working with parents to be able to give clear messages to parents about what they are and are not able to do.

2 To what extent have the changes brought about by section 58 altered the practice of those working with children and families in considering incidents involving an alleged assault by a parent upon a child?

Please explain your answer in detail and provide evidence for your view.

Comments:

The current legislation makes it very difficult for those working with parents to give clear, undisputable advice. Professionals did not tell parents that it was OK to harm their child before Section 58 and still do not tell them that physical punishment is OK now. Physical punishment is not acceptable and should not be tolerated. This message has to be put across to parents as clearly as possible and not fudged as it is under Section 58. A father told us:

“He is a very sad and unhappy boy, but when he starts it infuriates me so much I am frightened I will not be able to control my own temper.” This man needs clear support and guidance on where the boundaries lie for him and suitable strategies to help him and his stepson to find an appropriate way of building a secure long term relationship that does not hinge on violence.

3 To what extent have the changes to the law deterred parents from using unacceptable levels of physical punishment in the upbringing of children?

Please explain your answer in detail and provide evidence for your view.

Comments:

Parents who use physical punishment tend not to be aware of any changes in the law. It is the extreme cases who come to the attention of agencies while others continue to beat their children. The parents who continue to use physical punishment without 'getting caught' are the ones who need to be targeted by a public education campaign to teach them more effective strategies for disciplining their children. A mother told us *"I used to give her the occasional smack on the bottom if things got out of control, but I have since learned that violence only teaches violence. I haven't hit her for a couple of years now but her hitting is getting worse. Even to the extent that not only has she pushed and punched me but also her 2 year old sister. I'm at breaking point and need help. I can't handle any more parents falling out with me because of her behaviour towards their children."* This parent has realised that a violent relationship has resulted in the loss of friendships for both parent and child and now she needs guidance on positive discipline strategies.

4 To what extent have the changes to the law stimulated local agencies to help parents in knowing how to establish effective boundaries for their children?

Please provide evidence for your view.

Comments:

The changes have made our role more difficult in that we could never condone physical punishment before and we still can't but if a parent knows about Section 58 they can question the advice and support we offer. We would prefer a clear law explaining that "reasonable" punishment does not include physical punishment and that children are entitled to the same rights of protection from violence as adults. The law change could run alongside a public education campaign.

5 In your experience have the changes to the law assisted those working with children and families to protect children and support parents?

Please explain in detail and provide evidence for your view.

Comments:

No, it has not assisted us. Section 58 undermines our promotion of positive discipline for those parents who know that they may continue to hit their children. We have to sit on the fence by not condoning the actions but wanting to maintain our contact with the parents in the hope that our advice will encourage them to change their habits. A stepfather came to us for support *“My partner’s son who is 12 has a problem controlling his temper and causes lots of damage to the home in the process. Unfortunately early in the relationship I did punish him by hitting him. Things have got to the point where we hate each other and though I keep control most of the time I still do lose my temper, but no longer hit him, just shout extremely loud and order him to his room.”* By allowing the use of reasonable force the relationship between this stepfather and his partner’s son will become irreconcilable.

A mother told us *“I am having terrible discipline problems with my 8yr old son, who won’t do anything he’s told and is rude and answers back (just like a rebellious teenager!). It reached fever pitch last night and I smacked him which I’ve never done before. I have other children whom I’ve never had this problem with.”* This mother’s position is similar, she needs clear guidance and alternative strategies so that she does not resort to violence with her son.

6 To what extent is the legal position on the physical punishment of children widely understood by those working with children and families?

Please explain your answer in detail and provide evidence for your view.

Comments:

Our practitioners understand where the law stands but are confused that children do not have equal rights to protection from assault. It makes working with some families more challenging than it would otherwise be.

7 If your answer to question 6 above was that the legal position was not widely understood, please tell us what would be your preferred way of improving this situation?

Comments:

Not applicable.

8 Have the changes to the law had a differential effect on different groups of children and parents, including on the grounds of gender, race and disability, and if so, to what extent?

Please explain your answer in detail and provide evidence for your view.

Comments:

Our website users do not declare their race or disability and rarely declare their gender. Our flagship service Parentline, received 1391 calls in the 2006-07 financial year regarding physical abuse and it remains a live issue for parents. At this moment it is not possible to track the demographic details of those 1391 callers but in general 82% of our callers are white and almost 80% are female. Parents who contact us are equally concerned about their sons and daughters. Our service user data tells us that younger children are more likely than older children to get hit by their parents and carers.

9 What are the key pieces of evidence that should be considered as part of this Review?

Please provide details and/or links if appropriate.

Comments:

The primary evidence should be establishing the human rights of children in order to bring them into line with the rights of adults.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply X

Here at the Department for Education and Skills we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

XYes No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 10 August 2007

Send by post to: Consultation Unit, Area 1A, Castle View House, East Lane, Runcorn, Cheshire WA7 2GJ

Send by e-mail to: section58.consultation@dfes.gsi.gov.uk
