



Services For Education

SAFEGUARDING SUBSCRIPTION RESOURCES

INAPPROPRIATE CHASTISEMENT

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INAPPROPRIATE CHASTISEMENT – WHAT DO WE NEED TO KNOW AND DO?



What is it?

Parents or Carers use physical punishment with the aim of disciplining a child, but the severity of the physical force used goes beyond what the law allows.

Some parents may not have the intent to harm their child, but are following culturally learnt behaviours they believe to be in the best interest of the child.



What is the law around it?

In England, parents/carers may have a defence of “reasonable punishment” under s58 of the Children Act 2004 if they smack their child. What is “reasonable” is not defined. Each case will be taken individually to look at the nature of the “smack” to see if it is deemed “reasonable” so, for example, using an implement to chastise a child would usually be seen as unreasonable.

It is not lawful for a parent/carer to use severe physical punishment which leads to a child being wounded or constitutes Actual Bodily Harm, Grievous Bodily Harm or child cruelty. A parent can be charged with a criminal offence under either the Offences Against the Person Act 1861 or the Children and Young Persons Act 1933.

Both Scotland and Wales have banned smacking completely and there are calls for England to do the same.



How common is it?

Parents or Carers use physical punishment with the aim of disciplining a child, but the severity of the physical force used goes beyond what the law allows. Some parents may not have the intent to harm their child, but are following culturally learnt behaviours they believe to be in the best interest. The prevalence is difficult to know accurately as this action usually happens in the privacy of a home.

Children have accidents and bruising from play or falls is common. When you become aware of a physical injury or mark on a child, think holistically about the child's life – the context of their social history and does the explanation for the injury in that part of the body seem appropriate?

Some communities believe in physical chastisement as an effective form of discipline. This can be a pattern in communities of some African heritage, who use chastisement believing it is a cultural and religious child-rearing practice.



Why do people do this?

Some parents/carers will harm children on purpose – we would automatically class this as physical abuse of a child.

A more difficult concept is where tradition, culture and religion are used to defend this practice. Some communities (particularly of African heritage, but also in some other communities) use physical chastisement as a way of building moral values, respect for others and a strong character. In countries of origin this chastisement is sometimes not illegal and is often culturally passed down from generation to generation. In families that have relocated to England, these practices can then conflict with our child protection legislation.

Even where parents/carers recognise that there is potentially long and short-term harm from physical chastisement, other techniques to support and discipline children are not used and might not be known. It is also important to note that some children who are physically chastised might be subject to child abuse linked to faith and belief and branded as witches or deemed involved in spirit possession.

How can we empower and support young people?



Start talking about boundaries and consent from a young age – use the “spiral curriculum” notion in PSHE pedagogy, where we might not use defined terms at a young age, but we start to teach concepts which we come back to and develop at an older age with more specific terminology and content. Empower children to speak out to a trusted adult where there is behaviour involving their bodies that they do not consent to.



Publicise to staff and students that this type of behaviour will be taken seriously – that anyone physically harming a child for any perceived reason has no justification for these actions. Train your staff well on the limits of the defence of reasonable chastisement, so they can pass on concerns.



Equip your staff with the skills of culturally competent practice – understanding cultural beliefs and being respectful of difference but prioritising the legal right of a child not to be significantly harmed. What is wrong for Child A is wrong for Child B, no matter the cultural environment.



Check your safeguarding policy – are you specific about inappropriate chastisement being a cause for concern? Do you explain what it is, why it is a safeguarding concern, what potential outcomes might be for perpetrators and what support you can signpost victims to?



Ensure that any barriers to communication with families are reduced – for example if language might be a barrier, make sure you can have independent translation services, if you have contacts with local religious and community leaders, they can be a support.



In your newsletter to parents discuss new techniques and tools parents might use as parenting strategies that don't rely on physical chastisement. If you have the services of a family support worker, ensure that he or she can work with families on suitable techniques to discipline without smacking – for example being a good role model, showing love and care, have simple rules and limits, ignore unwanted behaviour and criticise behaviours not the child.



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