Changing Perceptions: Equal Protection for Children

NICCY's work and survey results on attitudes to physical punishment

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“The distinct nature of children, their initial dependent and developmental state, their unique human potential as well as their vulnerability, all demand the need for more, rather than less, legal and other protection from all forms of violence.”

United Nations Committee on the Rights of the Child

This paper outlines the context of the work of the Northern Ireland Commissioner for Children and Young People (NICCY) on Equal Protection, highlights direction from the United Nations Committee on the Rights of the Child on physical or corporal punishment and discusses new survey findings on attitudes to physical punishment in Northern Ireland.

NICCY’s survey results indicate a substantive change in attitudes to physical punishment with a decrease in how acceptable the public view its use and a majority of adults supporting reform to provide children with the same legal protection as adults from all forms of assault, including smacking and hitting.

1 UN Committee on the Rights of the Child (2006) General Comment 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, Geneva: CRC (para 21).
1. Background

NICCY’s primary aim, as set out in legislation, is to safeguard and promote the rights and best interests of children and young people. In order to achieve this NICCY has a wide range of duties and powers: including raising awareness of children’s rights; reviewing the adequacy and effectiveness of law, services and practice; issuing guidance; conducting research; bringing or assisting in legal proceedings and undertaking investigations.

The Commissioner’s founding legislation requires her to have due regard to the United Nations Convention on the Rights of the Child (UNCRC). The Convention sets out minimum standards for children’s rights in a series of ‘articles’ across all areas of their lives including civil and personal protection, health, education and welfare and it outlines particular rights for vulnerable groups, such as, children in care and refugee and migrant children. The Convention is clear that children should not be discriminated against and this is one of the guiding principles which flows through all the rights of the UNCRC (Article 2).

The preamble to the Convention recognises that the family is the natural environment in which a child should grow and develop in an atmosphere of happiness, love and understanding. As such, the Convention states that the family must be afforded the protection and assistance necessary to fulfil this role and places an obligation on Government to support parents and carers in their child rearing responsibilities (Article 18).

The UNCRC is also unambiguous in stating that children should be afforded protection from all forms of harm, abuse and violence (Article 19). In detailed guidance the Committee on the Rights of the Child has been explicit that the use of ‘moderate’ or ‘reasonable’ chastisement directly conflicts with children’s human dignity and cannot be justified. They define physical punishment as the use of physical force with the intention of causing discomfort or pain and note it can include hitting, smacking, slapping with a hand or implement, pinching, scratching, biting, pulling hair or boxing ears. The Committee view physical punishment as invariably degrading.²

In their regular examinations of how well the UK and devolved Governments are meeting their obligations under the UNCRC, the Committee has repeatedly stated that the issue of physical punishment must be properly addressed. While the law in Northern Ireland was

² UN Committee on the Rights of the Child (2006) General Comment 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, Geneva: CRC (para 21).
reformed to restrict the defence of ‘reasonable chastisement’ or ‘reasonable punishment’ in the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006, the defence is still available to parents in certain circumstances in regard to the offence of common assault. When reporting to the Committee on implementing the UNCRC following the introduction of the 2006 Order, the Government stated that the approach of revising the law in this manner alongside ongoing work on positive parenting offered the “best prospect of securing real and significant change on the ground in terms of the use of alternative means of discipline” in Northern Ireland.³

Most recently in July 2016, the Committee told the UK and devolved administrations that, in relation to physical punishment in the family, they must:

- **Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as “reasonable chastisement”;**

- **Strengthen its efforts to promote positive and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, with a view to eliminating the general acceptance of corporal punishment in child-rearing.⁴**

In addition to a public consultation exercise on physical punishment undertaken by the Northern Ireland Statistics and Research Agency (NISRA) in 2001 on behalf of Government in preparation for the 2006 legislation, a range of work was carried out on this issue between 2000 and 2009. The NSPCC undertook attitudinal surveys in 2000 and again in 2003 and completed further work with the Regional Child Protection Committee Communications Subgroup in 2008. In addition to this, the NSPCC in conjunction with Barnardo’s and NICCY carried out extensive research for “The ‘Smacking Debate’ in Northern Ireland - Messages from Research” which was published in 2008.⁵ This range of research is referenced throughout the paper.

In 2015 The ‘Smacking Debate’ report provided the basis of further research commissioned in Scotland by the Children and Young People’s Commissioner Scotland, Children 1st, Barnardo’s and NSPCC. The “Equally Protected? A review of the evidence

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on the physical punishment of children” study found that physical punishment was not effective in achieving parenting goals; was detrimental to children’s health and development; carried a serious risk of escalation into injurious abuse and maltreatment; and that its use declined more quickly in countries where it has been prohibited. The report recommended that: all physical punishment should be prohibited by law; that this should be accompanied by large-scale information and awareness campaigns; and that parents should be supported to use positive parenting strategies.

Following the publication of the ‘Equally Protected?’ report and the most recent recommendations from the UN Committee on the Rights of the Child, NICCY was keen to explore current views towards physical punishment in Northern Ireland and commissioned a small number of public opinion survey questions on this issue.

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2. Survey approach and methodology

NICCY commissioned Kantar Millward Brown to survey a representative sample of adults who were asked a number of questions on parenting and bringing up children including: awareness of the current law on physical punishment; views on legal reform; attitudes to different forms of discipline; and parents were asked about access to positive parenting information. This reflected NICCY’s interest in seeking to understand opinion towards physical punishment and attitudes to changing the law. Given the Government’s previous commitment to support positive parenting, NICCY also wished to examine parental access to information and advice about this.

It is important to recognise that the topic of physical punishment is a highly sensitive one which is concerned with contested and often deeply held views about parenting and family life. In addition to this, the use of language in research on physical punishment is challenging and a range of different phrases have been used across studies, for example, ‘physical punishment’, ‘physical discipline’, ‘smacking’, ‘slapping’ and ‘ban on smacking’.

In planning the survey, earlier work undertaken in Northern Ireland and other jurisdictions was reviewed. Draft questions were shared with a number of non governmental organisations that NICCY met with in relation to Equal Protection and were also discussed with the NICCY Youth Panel Equal Protection Advisory Group. In finalising the survey both NICCY and Kantar Millward Brown sought to ensure that questions were robust, bias was minimised and question ordering and scaling was appropriate. The survey used the phrase “physical punishment can include smacking or hitting” to explain physical punishment. In drawing any comparisons with previous studies, the paper will highlight whether NICCY’s survey questions varied from, were similar to or replicated questions from earlier research.

The survey was conducted between November 2016 and January 2017 and included a boosted sample of parents or guardians of children under 18 years. The questions were included in three waves of the Kantar Millward Brown Omnibus Survey which, after the initial random selection of sampling points, is based on a quota sampling methodology. Sampling points are drawn from a sampling frame based on electoral wards utilising a two stage stratification process and a total of 148 sampling points were included. Quotas in

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7 This included discussions with NSPCC, Barnardo’s, Children in Northern Ireland, Children’s Law Centre and Parenting NI.
relation to age, gender and social class were in place to minimise bias and ensure the sample was representative. In discussing survey results, care has been taken to ensure that results for sub-groups within the sample which are too low to provide meaningful data are not reported. In instances where figures for results combine categories of responses (such as ‘definitely support’ and ‘tend to support’), rounding to the nearest whole number means the total may not be precisely the same as the sum of the two percentages. In addition to meeting the quality standards adhered to by Kantar Millward Brown, the research was approved through NICCY’s internal Ethics Procedure.

The responses of 1594 adults are reported in the overall results. Results given for parents alone are based on the responses of 899 parents; these were then down-weighted in overall results to ensure they were representative of the adult population (down-weighted to 494 with parents representing 31% of the overall results sample). As outlined in Kantar Millward Brown’s Technical Report, the two samples are considered large enough to provide a sufficient overview of the views and attitudes of both groups. It should be noted that where findings are reported for sub-sets within these samples, results will relate to a smaller number than the main samples.

On the basis of using a pure random sample the margin of error on a sample of 899 for a statistic of 50% would be +/-3.27% which means there is a 95% chance that the responses fall within this variation for the population as a whole. The margin of error on a sample of 1594 would be +/-2.45%. While the sampling methodology used is not a pure random sample, the margin of error can be used indicatively to provide a gauge on the sensitivity of the results. Quota sampling is used extensively in gathering public opinion and, while not necessarily subject to the same scrutiny in regard to margin of error calculations, has been widely found to provide reliable findings.

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3. Survey results

3.1 Effective parenting

NICCY was interested in whether respondents viewed physical punishment or ‘positive parenting’ as more effective. Physical punishment, as noted earlier, was described as including hitting and smacking while positive parenting which uses a range of methods to set boundaries and address challenging behavior without the use of physical punishment, was described as using techniques, such as time out, to help deal with children’s behaviour.

As detailed in Figure 1, findings showed that 70% of adults thought that positive parenting was much more effective or a little more effective than physical punishment. This rose to 76% amongst parents, with just over three out of four parents regarding positive parenting as a more effective approach to discipline. Amongst parents, the breakdown of views on effective parenting either did not vary or differences were minimal based on the age of their children.

Figure 1

Do you think positive parenting is more or less effective than physical punishment?

Base: All respondents n=1594; Parents n=899

In relation to age, much higher numbers of respondents aged 18-24 years (80%) viewed positive parenting as much more or a little more effective than physical punishment while amongst those aged 65 years and older only 58% shared this view. This variation in views by the youngest and oldest age groups in the survey is a theme throughout the findings. Regarding other age groups, 74% of 25-34 year olds, 75% of 35-49 year olds and 70% of
50-64 year olds viewed positive parenting as being much more or a little more effective than physical punishment.

In considering results by other key variables there were only marginal differences in views on the effectiveness of positive parenting across gender and across geographical area. When considering views by community background there was some variation with those from a Protestant background being a little less likely (65%) to regard this as much more or a little more effective than those from a Catholic (73%) or ‘Other’ (79%) background. Findings across social class groupings also showed some variation with those from unskilled working class or not working backgrounds (DE groups) being a little less likely to view positive parenting as more effective at 63% than those from a middle class or skilled working class background at 74% or skilled working class background at 71% (ABC1 and C2 groups respectively).

3.2 Acceptable discipline

As well as asking about the effectiveness of different forms of discipline, NICCY was keen to repeat a question used in previous surveys which explored views on the acceptability of different methods of discipline. The question was used by NSPCC in 2000 and NISRA in 2001 and results were reported by NSPCC in 2003. The inclusion of the question in NICCY’s survey allows a comparison of reported findings over time.

NICCY’s results, as illustrated in Figure 2, show that withdrawing treats, pocket money etc was much more likely to be viewed as an acceptable method of discipline (73%) followed by grounding (55%), negotiation/discussion (54%), time out (53%) and shouting (26%). Just under one in four adults (24%) and only 18% of parents stated that physical punishment was acceptable. Interestingly, ignoring or walking away (21%) was seen as marginally less acceptable than using physical punishment.

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In considering NICCY’s overall results about the acceptability of physical punishment across a range of characteristics, there is no notable difference by geographic area and only slight difference by gender (27% of males and 22% of females reporting physical punishment as acceptable) and social class (middle class and skilled working class groups are marginally less likely to view physical punishment as acceptable at 21% than other groups). Regarding community background, those from a Protestant background are a little more likely to view physical punishment as acceptable (29%) than those from a Catholic or ‘Other’ background (21% and 20% respectively). However, in relation to age a more substantial variation can again be seen with only 11% of 18-24 year olds compared to 24% of all adults considering physical punishment as acceptable.

3.2.1 Parental views on acceptable discipline

Parents reported that physical punishment was less acceptable than adults overall. This is interesting as earlier work undertaken by NISRA in 2001 had indicated that, at that time, parents viewed physical punishment as more acceptable than non parents. In considering findings from earlier studies, as shown in Figure 3, there is a sizeable decrease in the acceptability of hitting and smacking children from previous work which found that 50% of parents in 2000 and 36% of parents in 2001 thought that physical

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punishment was acceptable.\textsuperscript{11} This is a considerable downward shift in reported views on the acceptability of physical punishment. However, it is important to acknowledge that the timeframe across studies is 17 years and that public opinion on a range of issues relating to family life and children has changed in that period.

\textbf{Figure 3}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{chart.png}
\caption{Parents who feel physical punishment is acceptable}
\end{figure}

\textit{Base: 2017 Parents n=899}

\section*{3.3 Physical punishment and legal reform}

It is interesting that while previous discussion about legal reform in this area has proved controversial and attracted public and media debate, a minority of parents and adults reported being aware of the law and physical punishment. Only one in three adults and 37\% of respondents amongst parents reported that they were aware that the law currently allows a parent to physically punish a child (through the availability of the defence of reasonable punishment in certain circumstances).

A key aspect of NICCY’s survey was to assess public support or opposition to full legal reform and in response to the question on this issue, 63\% of adults said they would either definitely support or would tend to support changing the law to give children the same protection from hitting and smacking that adults have.

It is useful to note, as illustrated in Figure 4, that of those opposed to reform only 9% of adults reported that they were definitely opposed. This is a similar number to those who stated they did not know if they supported or opposed reform (8%).

In considering these overall results for supporting a change in the law, previous surveys in Northern Ireland showed that between 29% and 32% of respondents supported reform.\(^\text{12}\) It is important to recognise that as the questions varied across studies it is not possible to make a direct comparison between findings.\(^\text{13}\) However, while recognising this the finding from NICCY’s results that 63% of adults support change is indicative of an increase in public support for providing children with equal protection from hitting and smacking under the law.


\(^{13}\) For example, earlier questions varied in language describing physical punishment as smacking or physical discipline, referred to legal reform as a ban and placed this in the context of assurances there would be no trivial prosecutions of parents.
3.3.1 Parental views on reform

The combined figure for those who would definitely support or tend to support change in the law was the same for parents and adults in general, as demonstrated in Table 1. This is again notable as an earlier study indicated differences across parents and non parents, with parents being less supportive of reform.14

Table 1

<table>
<thead>
<tr>
<th></th>
<th>Total %</th>
<th>Parents %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitely support</td>
<td>37</td>
<td>38</td>
</tr>
<tr>
<td>Tend to support</td>
<td>26</td>
<td>25</td>
</tr>
<tr>
<td>Tend to oppose</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Definitely oppose</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>DK</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Base: All respondents n=1594; Parents n=899

Amongst parents, those with children aged 0-4 years were more likely to support reform (68%).

3.3.2 Support for legal reform and other variables

In considering support for law reform by age group, 77% of 18-24 year olds said they would definitely support or tend to support a change in the law. As shown in Figure 5 this is substantially higher than across other age groups (65% for 25-34 years; 63% for 35-49 years; 60% for 50-64 years and 55% for 65 years and older).

This corresponds with findings from earlier research that younger adults are more supportive of reform and echoes results from other questions in NICCY’s survey showing that this age group is more likely to view physical punishment as less effective and less acceptable.

When considering other key variables, there was no notable difference in support for reform in relation to social class and while some differences are seen in regard to other characteristics, it is important to highlight that these were not significant enough to see reported support for reform fall below 50% within any grouping discussed. For example, women were slightly more likely to definitely support or tend to support change (66%) than men (59%); those living outside Greater Belfast were slightly more likely to support reform (65%) than those living in Greater Belfast (60%); and respondents from Catholic or ‘Other’ background were more likely to support reform (65% and 68% respectively) than those from a Protestant background (58%). While variation in attitude to legal reform based on community background has been previously reported a smaller degree of differentiation is indicated in NICCY’s results.

In reviewing findings on the basis of political affiliation, 67% of those who reported

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affiliation with the Alliance Party were likely to definitely support or tend to support reform, amongst nationalist parties 67% of those affiliated with the Social Democratic and Labour Party also supported reform while 62% of those affiliated with Sinn Fein supported reform. In considering unionist parties, 61% of those affiliated with the Ulster Unionist Party were likely to definitely support or tend to support reform while this was lower at 53% of Democratic Unionist Party affiliates. Please note sample sizes for respondents citing affiliation with the Green Party, UKIP or other political parties were too small for inclusion.

3.3.3 Support for reform with additional assurances

NICCY was also interested in identifying whether adults would be more likely to support law reform if they were provided with specific assurances, such as, knowing a child could be physically restrained for their own protection and that any change in the law would be accompanied by publicity. These questions drew on research conducted by Ipsos MORI in England and Wales on behalf of the Children are Unbeatable Alliance! in 2008 which found that such reassurance led to some respondents being more likely to support change.

In Northern Ireland, around six in ten adults (59%) were more likely to support legal reform if they were reassured children could be restrained for safety reasons and 58% were more likely to support reform if it was well publicised and with more information about positive parenting. This includes respondents who: tended to support a change in the law and stated they would be much more likely to; who tended to oppose a change in the law and stated they were more likely to support a change; and who stated they definitely opposed a change in the law and were more likely to support a change.

3.4 Positive parenting

While there is also some variation in findings on the acceptability of physical punishment by political affiliation, it is notable that results show that acceptability remains below 40% across groupings. Only 22% of respondents affiliated with the Alliance Party, 23% with the Social Democratic and Labour Party, 24% with Sinn Fein, 31% with the Democratic and Unionist Party and 39% with the Ulster Unionist Party stated physical punishment was acceptable.

The final area included in the survey related to parental access to information about positive parenting. Only one in five parents (20%) said they had been given information about positive parenting or alternatives to physical punishment. Earlier research which asked a similar question found that one in three parents had received information (with Health Visitors the most frequent source of this)\(^\text{19}\) so this may indicate parents are now less likely to be provided with such information. In NICCY’s survey, parents of children aged 2-4 years were most likely to have received information (27%). Schools (33%) and children’s or parents’ groups (32%) were the most likely source of this information.

In considering other variables in relation to social class, parents in DE or unskilled working or not working (23%) and in ABC1 or middle class (20%) groups were more likely to have received information than those in C2 or skilled working class (16%) groups. Parents living outside of Greater Belfast were more likely to receive information (23%) than those in the Belfast area (16%) and parents who were single, separated, divorced or widowed were more likely to receive information (25%) than those who were married or living with a partner (18%).

Finally, it is notable that while 63% of parents overall would support a change in the law, this increases to 74% amongst those who had been given information about positive parenting. Parents were also more likely to definitely support (rather than tend to support) reform if they had received positive parenting information and slightly fewer parents who had received information viewed physical punishment as acceptable (15%) compared to those who had not (19%).

4. Conclusion

“No exceptions. …all forms of violence against children, however light, are unacceptable. … Frequency, severity of harm and intent to harm, are not prerequisites for the definitions of violence. … definitions must in no way erode the child’s absolute right to human dignity and physical and psychological integrity by describing some forms of violence as legally and/or socially acceptable.”

UN Committee on the Rights of the Child

NICCY’s commissioned survey indicates that perceptions about physical punishment and the acceptability of hitting or smacking children are changing substantially. The findings show that the majority of adults and a higher number of parents:

- view positive parenting as more effective than physical punishment;
- feel physical punishment is unacceptable; and importantly
- support law reform to give children the same protection under the law from all forms of assault, including hitting and smacking, as adults.

The survey results also highlight that steps, such as giving reassurance that children can be restrained for safety reasons and making more information about positive parenting available, could increase support for reform. Indeed on this last point, the findings raise concern that not enough parents and families are receiving information about alternatives to physical punishment.

As referenced earlier in the paper, a body of research now demonstrates that physical punishment is not only ineffective in meeting parenting aims but is also harmful to children and that the introduction of full legal reform can more quickly reduce the use of physical punishment.\(^{21}\) The UN Committee on the Rights of the Child has also made clear that all forms of violence against children, however ‘minor’, are unacceptable and that

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\(^{20}\) UN Committee on the Rights of the Child (2011) General Comment 13: The right of the child to freedom from all forms of violence, Geneva: CRC (para 17).

Government should repeal the legal defence of reasonable punishment.

NICCY’s view is that it is time to act. It is right that children and families in Northern Ireland receive a clear message that all violence in the home is unacceptable. To support this, in addition to law reform Government and statutory agencies must give greater priority to family support and positive parenting. Parents and families should be provided with the information and support they need.

The Commissioner is calling for:

- Law reform to ensure that children in Northern Ireland have Equal Protection under the law from all forms of assault, including physical punishment.

- Renewed Government commitment to supporting parents and families, including through dedicated and effective positive parenting information and support.
Appendix One – Questionnaire

Equal Protection
I would like to ask some questions about parenting and bringing up children.

Q.1a Do you know that in Northern Ireland the law allows a parent to physically punish their child? Physical punishment can include smacking or hitting.

**ASK ALL**
Yes
No

Q.1b Which of the following forms of discipline or punishment do you feel are acceptable?

**SHOW SCREEN**
**MULTIPLE ANSWERS ALLOWED**

**ASK ALL**
1: Time out
2: Withdrawal of treats, pocket money etc.
3: Physical punishment such as hitting or smacking
4: Shouting
5: Negotiation or discussion
6: Grounding
7: Ignoring or walking away
8: Other (please specify)
9: Don’t know

Q.2 In NI if you smacked or hit another adult it is prohibited by law. Would you support or oppose a change in the law to give children in NI the same protection that adults have?

**SHOW SCREEN**
**SINGLE RESPONSE**

**ASK ALL**
Definitely support
Tend to support
Tend to oppose
Definitely oppose
Don’t know

Q.3 If you were assured that parents could still physically intervene or restrain their child to keep them or others safe, for example, to stop a child running into traffic, would you be more or less likely to support a change in the law?

**SHOW SCREEN**
**SINGLE RESPONSE**

**ASK ALL**
Much more likely to support
More likely to support
No change
Less likely to support
Much less likely to support
Don’t know

Q.4 If you were assured that a change in the NI law would be well publicised and there would be more information and support for parents about positive parenting and alternatives to physical punishment, would you be more or less likely to support a change in the law? Positive parenting uses techniques such as time out to help deal with children’s behaviour.

SHOW SCREEN
ASK ALL
SINGLE RESPONSE
Much more likely to support
More likely to support
No change
Less likely to support
Much less likely to support
Don’t know

Q.5 Do you think positive parenting is more or less effective than physical punishment?

SHOW SCREEN
ASK ALL
SINGLE RESPONSE
Positive parenting is much more effective
Positive parenting is a little more effective
Both equally effective
Physical punishment is a little more effective
Physical punishment is much more effective
Don’t know

Q.6a. Have you previously been given any information about positive parenting or alternatives to physical punishment?

ASK PARENTS ONLY
Yes
No
Can’t remember
Q.6b. Who was this from?

ASK IF YES (CODE 1) AT Q7A
MULTICODE ALLOWED
SHOW SCREEN
Health visitor
GP
Social worker
School
Parent or children’s group
Other
Can’t remember

**Signposting for parents**
If you would like information, support or guidance about any aspect of parenting the Parenting NI website is www.parentingni.org or their free phone helpline number is 0808 8010 722.

Millward Brown Ulster