



POLICY BRIEF

Translating early childhood research evidence to inform policy and practice

Physical Punishment

One of the key responsibilities of parents is to help children learn to manage their emotions and behaviour. This supports children to become personally fulfilled individuals who can participate effectively in society. Parents can help children manage their emotions and behaviour through a variety of strategies including discipline, which might occasionally involve the use of negative consequences. However, physical punishment – causing a child pain or physical discomfort – is not only ineffective as a method of regulating children’s behaviour, but can also be harmful.

Why is this issue important?

The legal perspective

The United Nations Convention on the Rights of the Child (CROC) specifically requires state parties to protect children “... from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment or exploitation” (Article 19 [1], United Nations, 1989). Article 37 goes on to state that “... no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”.

These provisions are in place to protect children from the harms associated with injury, abuse and neglect. As a signatory to the convention, Australia accepts the provisions and is obliged to act accordingly.

“...the use of reasonable force to discipline a child is not in itself a parental right, it is simply a defence in law.”

However, guidelines determining when punishment constitutes abuse are contradictory and unclear (Saunders & Goddard, 2010). Common law in a range of countries, including Australia, allows parents to injure their child during ‘reasonable or moderate physical chastisement’; definitions of what is reasonable differ in different jurisdictions.

It is important to note, however, that the use of reasonable force to discipline a child is not in

itself a parental right, but simply a defence in law (Saunders & Goddard, 2010). The defence of ‘reasonable chastisement’ has implications for:

- the healthy physical, emotional and mental development of Australian children
- Australia’s ability to consistently enact child protection legislation
- Australia’s international obligations under CROC.

CROC (2007) argues that there is no justification for physical punishment, irrespective of the level of reasonableness or moderation of such punishment, and that it is the responsibility of signatory states to remove such defence through law reform and other relevant measures.

The child’s view

Evidence shows that children who are physically punished:

- are at increased risk for aggression, anti-social behaviour, mental health problems and physical injury (Gershoff, 2008)
- may think it is appropriate to use violence when they are bigger than another and/or when they believe they are right
- are more likely to become adults who use violence and force with their families and friends (Douglas & Straus, 2006; Gershoff, 2008)

- are more likely to perform poorly on cognitive tasks compared to children who are not physically punished (Straus & Paschall, 2009)
- may have increased stress levels; chronically high stress levels can increase the risk for long-term mental health problems (Sanchez & Pollak, 2009; Smider et al., 2002).

Additionally, children who are physically punished are more likely to become parents who use physical punishment on their own children, thus perpetuating the cycle.

What does the research tell us?

Public opinion in Australia on the issue of physical punishment is changing, but still divided. The Australian Childhood Foundation and Child Abuse Prevention Research Australia tracked community attitudes towards physical punishment in 2002 and again in 2006 (Tucci, Mitchell, & Goddard, 2006; Tucci, Saunders, & Goddard, 2002). The review concluded that public tolerance of violence towards children was declining, with more parents indicating openness to alternative strategies (over 90% of parents indicated that discipline strategies should include grounding, sending the child to their room and/or stopping the child from doing something they like to do). Similarly, there is a growing professional sentiment calling for bans on physical punishment (Lunn, 2009).

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However, in 2006, 45% of Australians surveyed still believed it was acceptable to leave a mark on a child as a result of administering punishment, and 10% believed it was appropriate to use a cane, stick, belt or slipper to hit a child. A wooden spoon was used by 14% and a small proportion believed shaking or hitting over the head was appropriate.

There remains a high percentage of people who believe it is sometimes necessary to smack a ‘naughty’ child (75% in 2002 and 69% in 2006).

Physical punishment as a discipline strategy

Adults who punish children for doing something wrong rarely offer children opportunities to learn what is right (Marion, 2007). Control of behaviour, and an understanding of what is right and what is wrong, remains with the adult and not with the child.

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Children demonstrate self regulation when they are able to control their impulses, postpone action or immediate gratification, tolerate frustration and plan and implement actions (Marion, 2007). Self regulation is learned through the interactions children have with the world around them (Marion, 2007).

Adults who provide children with warm and nurturing care, set limits that keep children safe from external dangers and from their own behaviour, and who provide clear guidelines around what is desirable behaviour, can effectively lay the foundations for children to gradually acquire the skills to self regulate without the use of physical punishment.

Additional influences on parents’ use of physical punishment

Parents are more likely to use physical punishment if they were physically punished as children, if they live in a cultural or religious context that supports physical punishment, if they are socially disadvantaged and/or highly stressed (mental health problems, domestic violence, socio-economic exclusion) and if the child’s behaviour is such that it is hurting another or putting the child into danger (Gershoff, 2008).

Abuse often results when parents lose control and injure the child (Saunders & Goddard, 2010).

Such loss of control is more likely where parents are stressed, linking it more closely to parental state than child misbehaviour.

The legal context

As noted, Australian states and territories differ in their definition of reasonable chastisement. New South Wales was the first Australian state to attempt to define 'moderate' or 'reasonable' punishment: parental use of physical punishment would not be defined as reasonable if "... the force is applied to any part of the head or neck of the child or to any other part of the body of the child in such a way as to be likely to cause harm to the child that lasts for more than a short period" (Crimes Act 1900 [NSW] S.61AA [2][b]). The Act requires that parental use of force be 'trivial and negligible' but fails to define these terms or what constitutes a 'short period'.

Legislation in Victoria, Tasmania and the ACT prohibits the use of physical punishment in schools, while other states and territories have guidelines and policies that discourage its use. However in the latter, the defence of 'reasonable chastisement' continues to be available.

In Victoria, physical punishment was banned in state schools in 1983 and private schools in 2007. International experience suggests that banning physical punishment in schools often precedes a total ban (including parental use of physical punishment).

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Physical punishment has been banned in 24 countries with Sweden leading the way in 1979, and New Zealand becoming the first English-speaking country to enforce a ban in 2007.

The ban in Sweden was accompanied by an extensive public education campaign using brochures written in various languages which provided information on alternative behaviour management strategies, provision of support and assistance, widespread availability of parenting advice (for example on the side of milk cartons) and wide-ranging media reporting.

Following the ban, parental support for physical punishment in Sweden decreased from 53% in 1965 to 10% in 1999 and the annual child death from injury rates declined to become the lowest in the world (Saunders & Goddard, 2010).

In light of the achievements overseas in changing public opinion and subsequent reductions in child deaths, state and federal governments in Australia should be encouraged to institute a national ban on physical punishment of children.

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Alternatives to physical punishment

There is a range of programs available to train parents to manage children's behaviour. Many are effective in improving children's socio-emotional outcomes in the short-term, though there is little research available to determine if these changes are long lasting (Barlow, Parsons, & Stewart-Brown, 2005).

A Western Australian review of one such program, Triple-P, (Zubrick et al., 2005) demonstrated that there were significant decreases in self-reported dysfunctional parenting behaviours and parent-reported child behaviour problems. Parents also reported improvements in mental health, marital adjustment and levels of conflict over child rearing.

Triple-P has also been evaluated with children who have disabilities and found to be effective with children with developmental and behavioural problems (Roberts, Mazzucchelli, Studman, & Sanders, 2006) and attention/hyperactivity disorder (Hoath & Sanders, 2002).

Evaluation studies of another program, The Incredible Years, indicate that it results in reductions in child behaviour problems in comparison to control children and that these behavioural changes are maintained a year after participating in the program. Interventions that combined parent, teacher and child intervention were more successful (Webster-Stratton & Reid, 2010).

These are only two of a number of successful parenting programs that commonly focus on:

- teaching developmentally appropriate guidance combined with high levels of warmth in a manner that is responsive to children's needs
- demonstrating that boundaries, limits and expectations can be conveyed clearly, kindly and consistently
- teaching adults to use persuasion rather than force to help children understand, with the aim of teaching self regulation rather than punishing transgressions
- teaching these strategies in a framework that emphasises parental self control, the development of parental communication and problem-solving skills and the ability to create a personal support network to reduce parental stress.

What are the implications of the research?

- Children have the right to protection from violence, injury, abuse, neglect and exploitation.
- Children who are physically punished are at increased risk of health and behaviour problems.
- While the defence of 'reasonable chastisement' remains:
 - some Australian children remain at risk for poor outcomes associated with physical punishment
 - it may be impossible to consistently enact child protection legislation
 - Australia may remain in breach of its obligations under CROC.
- It is important for the implementation of effective child protection legislation that there is a clear understanding of the difference between child abuse and appropriate and acceptable child discipline.
- There are differences across jurisdictions and between judges as to what constitutes lawful discipline.

Considerations for policy and programs

- Both state and federal governments should commit to banning physical punishment of children.
- State governments should develop and implement relevant legislation to repeal the defence of 'reasonable chastisement' of children by parents or others.
- In conjunction with the federal government, state governments should develop, fund and implement a major national public education campaign that focuses on reducing acceptance of physical punishment and teaching parents, carers, teachers and coaches a range of alternative, positive discipline strategies.
- All citizens should be encouraged to support the rights of children as identified by CROC.

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References

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