



**The Rt Hon Baroness Jacqui Smith
Minister for Skills**

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The Baroness Bennett
House of Lords
London SW1A 0PW

16 June 2025

Dear Baroness Bennett,

Firstly, I would like to thank you for the interesting debate on whether to remove the defence of physical chastisement as part of the Children's Wellbeing and Schools Bill at Committee Stage on Monday 9 June.

I wanted to write to the House on the topic of physical chastisement and, in particular, your query in relation to whether the defence has been removed from part-time educational settings (including those operated by religious organisations), children's health settings or supported accommodation for looked after children aged 16 and 17.

The Children's Wellbeing and Schools Bill is a key step towards protecting children at risk of abuse and stopping vulnerable children falling through cracks in services. We believe its safeguarding measures, which include improving information sharing across and within agencies, strengthening the role of education in multi-agency safeguarding arrangements and implementing multi-agency child protection teams, will make children safer.

We are looking closely at changes in Scotland and Wales where the defence of physical chastisement has already been removed. We look forward to Wales publishing their implementation review at the end of the year which will look at the impact the change in legislation has had. We want to build our evidence base before making such an important legislative decision.

We believe that the vast majority of parents want what is best for their children and should be supported. That is why we are rolling out our multi-agency family help and child protection reforms, and delivering parenting support in 75 local authorities through our Family Hubs programme. We also recently published the [Practice Guide for services for parents: Parenting Through Adversity for parents of 0-10 year olds](#).

The Crown Prosecution Service is very clear that only the mildest physical punishment could be used in this defence, anything more should lead to more serious charges where the defence is unavailable.

Corporal punishment has been banned in state schools, registered independent schools, child minding, early years provision, residential special-schools, hospital schools, local authority foster care and children's homes.

Corporal punishment is not banned in part-time educational settings. These settings are not regulated under education or childcare law. However, all out-of-school settings providers, including part-time educational settings, have a legal duty of care to ensure the safety of children that attend their setting and protect them from harm. Our [guidance](#) for out-of-school settings providers is clear that no staff member or volunteer should inflict physical or psychological harm on a child.

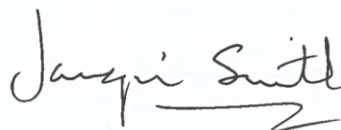
Local authorities are legally responsible for safeguarding children in their areas, and when there are concerns, we expect them to intervene using the wide range of powers available. We are committed to safeguarding all children and protecting them from harm. That's why we have launched a Call for Evidence to help us better understand safeguarding in out-of-school settings and how it can be strengthened.

The common law defence of reasonable punishment or chastisement is only available to individuals who are acting in loco parentis. Since supported accommodation staff do not hold this role, as provisions are designed to provide support for independent living rather than care, this defence would not apply to them.

Ofsted is clear that any provider practicing corporal punishment would not meet the standards set out in the supported accommodation regulations. Such practices would raise serious concerns. If corporal punishment is identified, Ofsted has the authority to take enforcement action, which may include involving the police or social services.

Thank you again for taking the time to engage on these matters. I hope these further details have been useful and I will place a copy in the House libraries.

Yours sincerely,

A handwritten signature in black ink, reading 'Jacqui Smith', with a stylized flourish underneath.

The Rt Hon Baroness Jacqui Smith
Minister for Skills