

**A PLACE WHERE IT IS NOT OKAY TO HIT CHILDREN:  
THE ROLE OF PROFESSIONALS**

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**Abstract**

As a result of recent legislation that removes from the Crimes Act the statutory defence of "reasonable force" to correct a child, professionals have an increasingly important role in supporting parents to use effective and positive discipline. This study focused on how professionals approach the tasks of communicating, guiding and advising families with young children about disciplinary practices. The researchers convened 10 focus groups of people working in family support, child health, early childhood teaching and social work roles, in Northland, Auckland, Wellington and Dunedin. This paper describes how the participants work with and advise families about child discipline, how well prepared they are to fulfil this role, and how they understand the legal issues relating to family discipline. Parents did seek advice on discipline from professionals and acknowledged using corporal punishment. Most professionals disagreed with the use of physical discipline, but some expressed caution about telling parents directly that they thought smacking was harmful. Few of the professionals discussed the debate (current at the time of the research) regarding the proposed repeal of Section 59 with parents, and many did not understand it themselves. They believed that parents would need more support if the law changed. Only a minority had received training on the issue of child discipline. The findings suggest that those working with families with young children are in need of more resources and professional development to deal with this matter.

**INTRODUCTION**

The passing into law of the Crimes (Substituted Section 59) Amendment Act 2007 on 21 June 2007 has modified the policy framework for families and children. The law change has removed the defence provided by the previous law (Section 59 of the Crimes Act 1961) for parents charged with assaulting children.<sup>2</sup> The repealed Section 59(2) bans "the use of parental force for the purpose of correction", though the law makes it clear that the police have the discretion not to prosecute complaints if the offence is considered inconsequential and there is no public interest in proceeding. Beth Wood (2004), one of the leading campaigners for the repeal of Section 59, has argued that changing the law was not about

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<sup>2</sup> The Crimes (Substituted Section 59) Amendment Act 2007, was introduced as a Private Member's Bill by Sue Bradford, an MP for the Green Party, and approved by a cross-party majority in Parliament. It replaced s.59 of the Crimes Act 1961, which stated that "Every parent of a child and ... every person in the place of the parent of a child is justified in using force by way of correction towards the child, if the force used is reasonable in the circumstances."

“banning smacking”, but rather “It is about changing the social norm -- it is about making Aotearoa New Zealand a place where everyone knows it is not okay to hit children” (Wood 2004:31).

The “necessity for a mind-set change” (Ranby 2004:32) has also been recognised in the launch by the Prime Minister on 4 September 2007 of a comprehensive 14-million-dollar campaign to prevent family violence as an initiative of the Taskforce for Action on Violence within Families, which was established in 2005 (Ministry of Social Development 2007). The new campaign aims to change community attitudes towards family violence (including violence to children), and to support communities in taking action against family violence.

The research we report on here examines the role that professionals play in helping families stop using violence to control children’s behaviour. In our view the law change and the public awareness campaign are only the first steps towards changing the mind-set. The professionals (social workers, Plunket nurses, early childhood teachers, family support agency workers) who have regular face-to-face contact with parents are in a potentially powerful position to help bring about change and support government initiatives. There is evidence that professionals working in a sensitive partnership with parents in the context of the complexity and stress of families’ real lives can positively influence their parenting (Powell 1997, Smith 2005a).

Physical punishment is ineffective and has harmful long-term effects on children, especially if it is severe (Smith 2005b, 2006). It is a clear and preventable health risk for children and there are many less harmful but effective disciplinary strategies. But to what extent do professionals know about the harmful effects and how do they work with families on disciplinary issues?

Murray Straus (2000), a long-time advocate for the elimination of corporal punishment of children in the United States, expressed frustration that American professionals who work with children do not provide a clear message to parents that physical punishment is harmful and should be avoided. Professionals, in Straus’s view, have an important role to play in stopping the use of physical punishment. He is critical that professionals in the United States are failing to get behind a no-corporal-punishment educational effort. He says:

To my surprise, most of the child maltreatment scholars and parent educators to whom I have mentioned no-spanking messages on milk cartons, on posters in pediatricians’ offices, and a warning notice on birth certificates, they do *not* favour these steps. When I ask if they favour posters and warning notices about cigarettes, the answer is almost always yes. They typically go on to explain that a “negative approach” will not succeed for spanking because parents must be taught alternatives. (Straus 2000:1111)

Straus’s explanation for these attitudes is that acceptance of the use of corporal punishment is embedded in the cultural norms and beliefs of American culture, and that professionals either share these views or are unwilling to challenge them. In the US, paediatricians play an important role in talking to parents about discipline (Sege et al. 1997, Wissow and Roter 1994). However, Wissow and Roter (1994) found that medical practitioners find it very difficult to talk to families about corporal punishment, and that parents are often reluctant to discuss private family discipline difficulties with doctors.

Although there is evidence of a tacit acceptance of physical violence in the home in New Zealand (Colmar Brunton 1995, Maxwell 1995, Ritchie 2002, 2004), there is little research

on how professionals view it. An analysis of submissions to the Select Committee on the Crimes Amendment Bill 2006 shows that, of the organisations that made submissions, 88% (185 out of 210) were in favour of a change in legislation, in contrast to individual submissions, of which only 14% (194 out of 1,342) were in favour (Debski et al. 2006). Most of the organisations who made submissions were groups of professionals or advocacy groups. Fifty-nine organisations supported the Bill, including professional organisations such as the Royal Plunket Society, New Zealand Council of Christian Social Services, the Paediatric Society, Barnardos and Presbyterian Social Support.<sup>3</sup> Professionals working with families, therefore, are probably already aware of the negative effects of physical punishment, and are in a potentially powerful position to change attitudes.

In this paper we discuss the findings of a study on people who work with children and families, exploring these professionals' attitudes towards the physical discipline of children and how they advise parents in this area.

## THE STUDY

The research reported here is from the first phase of a two-year study exploring disciplinary practices in family settings. Phase 1 took place over a period of 10 months, mostly in 2006, and was completed in 2007.<sup>4</sup> For the duration of the focus groups the proposed repeal of Section 59 of the Crimes Act was high on the national political agenda and there was much media attention surrounding the proposed repeal. This political and policy context was evolving as we conducted our research.

A variety of organisations whose main role was working with families with young children were informed about this study and asked to invite their staff to participate in a focus group. Participants from these organisations volunteered by responding directly to the research team. Ten focus group interviews were conducted in five areas of New Zealand: Dunedin, Wellington, Auckland, Kerikeri and Kaikohe. The focus groups were organised by professional group, varied in size between two and eleven participants, and lasted between one and one-and-a-half hours.

## Participants

Participants were trained nurses, social workers, early childhood educators or students undergoing training in one of these areas (see Table 1). There were 58 participants: 52 females and 6 males; and 39 Pākehā, 12 Māori, four Pacific people, and three of other ethnicity. The majority (37 out of 58 participants or 64%) of the participants were over 41 years old, and most (48 participants or 83%) were parents. The average length of time participants had worked with families was 14 years; the range was one-an-a-half years to 30 years, with the mode being 20 years.

**Table 1 -- Professional Categories of Participants**

Professional categories	%	N
Social workers	46	27
Nurses	28	16

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<sup>3</sup> J. Michie, personal communication, 29 March 2007.

<sup>4</sup> Phase 2 is now completed. It involved interviewing 100 families who have a preschool child and live in New Zealand.

Early childhood teachers	17	10
Student (social work and nursing)	9	5

A focus group protocol was developed for the study, which included open-ended questions to stimulate discussion. This paper reports on the following aspects of the focus group discussions:

- Do parents seek the advice of professionals about disciplinary issues?
- How do professionals deal with the issue of physical punishment when they talk to parents about discipline?
- What do professionals who work with children and families in New Zealand think about the physical punishment of children?
- How well do professionals understand the legal issues relating to family discipline?
- How well prepared and resourced are professionals to deal with disciplinary issues?

### Do Parents Seek the Advice of Professionals about Disciplinary Issues?

Most professionals found that parents were quite open with them about their use of smacking, supporting the view that physical punishment is a normative part of the culture of New Zealand parenting, as shown in other studies (Maxwell 1995, Ritchie 2002).

In half of the focus groups (five), participants had observed parents smacking their child while they were present. Most groups reported that smacking was a regular and openly practised part of parenting in families. Nearly all (nine) of the focus groups reported that families they worked with had told them that they used smacking to discipline their children.

“Smack and that’s it, end of story, they deserve it. And I have never had anyone try to rationalise what they have done and that’s interesting because they don’t. It’s perfectly normal behaviour for them, a good whack and usually picked up them by the arm and whack on the bum.” (Focus group 2: Family/whānau support workers / social workers)

One participant in a focus group of non-statutory social workers (with a family support role) said that she had *not* been approached by families for advice in this area. All the remaining 57 participants agreed that parents did seek their advice on family discipline, which suggests that these professionals can play an important role in helping parents to recognise that physical punishment is not okay and providing them with alternatives.

“Well I get asked about parenting all the time. In my role in Family Support, that’s probably one of the major things I deal with, and I think most parents are pretty open asking for help once we get in there and get the rapport going. I find they are pretty open once they feel comfortable.” (Focus group 5: Family/whānau support workers / social workers and teachers)

Although discipline is sometimes seen as a private family issue, it is encouraging that these parents are actually willing to acknowledge their difficulties and discuss disciplinary issues outside the confines of their family.

### How Do Professionals Deal with the Issue of Physical Punishment When They Talk to Parents about Discipline?

We were interested in whether the professionals directly advised against particular disciplinary approaches. Although our question did not specify any aspect of discipline, the

majority of participants focused on physical discipline. They were not always in agreement about how strongly they should advise against physical punishment.

Participant 1: "We realise that there's lots of different ways of dealing with things and like, for example, say the hitting scenario, we would say, well, we would like to offer some alternatives. We would never be so strong as to blatantly sort of agree or disagree in any way."

Participant 2: "We would actually disagree and say we don't recommend hitting and there's other ways of doing it and [be] sort of quite, quite clear ... there are better ways."  
(Focus group 1: Family support agency teachers and social workers)

Some focus group participants said they did advise against certain practices and, in particular, smacking. Strongly anti-smacking views emerged from only a few focus groups.

"We are all avid no-hitters, you see, so it's really easy to come up with strategies."  
(Focus group 6: Social workers in schools)

"As Barnardos workers we can't condone smacking, we actually have to say -- if I see somebody smacking or they tell me they smack, I always say, well smacking isn't actually against the law but as, you know, a Barnardos worker I can't -- I can't go along with that, and here's a whole lot of strategies to use instead." (Focus group 8: Early childhood teachers)

Participants were often more comfortable suggesting alternatives than telling parents not to smack.

"With the smacking I say it, but not in a way that would take away, because I can also understand that is what they have and that is their way to express their authority to their children, and that's what they know. By me saying it's wrong, it's not also going to be constructive because they will feel really defensive about it, but you also tell them, like, have you tried this and have you tried that? It's sort of introducing other ways, through talking." (Focus group 2: Family/whānau support workers / social workers)

All focus groups agreed that if parents crossed the line and they had child protection concerns, then they would confront the parents immediately.

Participant: "If it is care and protection you would definitely confront them."

Interviewer: "So where would you draw the line?"

Participant: "That comes over a period of time. Very often you will see things and you will have that baseline and you work with the family and you may see things deteriorate and drop below the line. Because you are in constant conversation with your supervisor, they should be seeing that too, and when it gets to a point where you are going to have to say, well hey, that is not good enough and you are going to have to do a notification."  
(Focus group 2: Family/whānau support workers / social workers)

In the focus groups the majority of participants were clearly of the view that smacking was an ineffective and harmful approach. Participants from some groups (social workers in schools and Barnardos staff) pointed out that their organisation had a clear and unambiguous policy against the use of physical punishment, and they were able to use their agency's stance to support their advice to parents against smacking.

How participants advised parents against the use of physical punishment varied. Some were quite upfront in telling parents they thought smacking was wrong. The professionals who

worked with the most stressed and disadvantaged families (e.g. Family Start staff or social workers in schools) were more likely to directly confront parents' use of smacking. Others were more indirect in their approach. Helping parents understand the reasons for the harmfulness of smacking (its effect on brain development and children's social behaviour, or unrealistic expectations of children) was one strategy used, though this was not common. Most of the professionals reported that they used their conversations with parents to suggest alternative techniques that were more effective and less harmful than physical punishment. All participants said they would only directly confront parents' use of physical discipline if they were concerned about the severity.

### How Do Professionals Talk to Parents about Discipline?

Discussions with parents were clearly perceived to be sensitive by most professionals, because they talked about being cautious and treading carefully before they could comfortably discuss disciplinary issues. Before such a level of comfort was reached it was necessary to build a trusting and close relationship with parents, and this often took time. Not least of the professionals' concerns was that parents would not continue to use their services if they were offended by their advice.

"[This is] a voluntary organisation so families ... choose to stay or choose to go. ... It's a learning process really, for them and supporting them, and when you see something happening, discipline that shouldn't be happening, you've got to be very careful what you say ... because if you say you shouldn't be doing that they will just say F off. So I'm really careful about telling them what to do, that there's other ways, but that's a slow process too." (Focus group 2: Family/whānau support workers / social workers)

Participant 1: "It's about establishing a strong enough relationship and being seen as someone that is completely impartial so, you know, if you do see things that are probably practices that aren't that great, that you can actually say something and that relationship still continues. A lot of it is how you say that. If you point your finger and say, don't do that, you know, there are ways of suggesting other things I think."

Participant 2: "It's much easier if you do have somebody in confidence and that they trust you. ... Certainly from the organisations that I have worked for people walk away and you know we can't make them come back, so quite a lot of energy and effort have to go into establishing a relationship, a trusting relationship, so there can be a meaningful dialogue about how things really are." (Focus group 1: Family support agency -- teachers and social workers)

Professionals were often tentative and cautious in their approach to disciplinary questions, largely because they were concerned that advising parents against using smacking would damage or even end their relationship with parents. There was a tension between their role as supporters and advisors to parents on parenting issues, and their responsibilities for protecting the wellbeing of children and reporting cases of potential abuse to Child Youth and Family (CYF). Reporting to CYF was a last resort for many professionals, because they thought they might be able to achieve better results by maintaining a close personal relationship with parents. Indeed, a warm, trusting and ongoing relationship with parents was regarded as a prerequisite to successful parent support and education, and their reluctance to confront parents was about finding a good way of getting the message over to parents without scaring them away.

## How Well Do Professionals Understand the Legal Issues Relating to Family Discipline?

A debate about the law did not seem to be a regular topic of conversation between parents and professionals. Three of the focus group discussions indicated that parents never talked about the issue of repealing Section 59 with them. (This may well have changed later because of escalating media discussion and lobbying on the issue). On the whole, strong feelings for or against the law change were not expressed by participants but the arguments on either side were voiced in discussions. There was, however, confusion on the part of some of the professionals about the implications of the current Bill.

Interviewer: "Do parents mention ... the repeal of Section 59 at all?"

Participant 1: "Is it the smacking?"

Participant 2: "The smacking one in the media?"

Participant 3: "Yeah."

Participant 2: "No, none have mentioned it."

Participant 1: "No."

Participant 3: "No." (Focus group 7: Early childhood teachers)

Several focus group discussions suggested that professionals could not explain to parents the purpose or the implications of the proposed changes in the legislation because they do not understand it themselves.

Participant: "We don't clarify for them what it is because we're unclear ourselves [re Section 59]."

Interviewer: "Okay, so if the repeal goes through, would you be clear what the implications would be for families?"

Participant: "Not really."

Participant: "No." (Focus group 6: Social workers in schools)

Participant: "Sometimes they say: So what will happen ... if I smack my children what will they do to me? ... But we don't really know how to answer because I don't really know how the law will be enforced." (Focus group 2: Family/whānau support workers / social workers)

Nevertheless, there was awareness among some of the focus groups of three of the main arguments in favour of the Bill: the right of children to have equal legal protection against assault as adults; prevention of harsh punishment; and signalling to the public that smacking is not okay.

"Oh yes, I read different stories about different children that have been treated certain ways and the perpetrators have gotten away with it because of that loophole. When other members of society, do it with elderly or disabled persons, they step forward and get prosecuted. But because they are children ... " (Focus group 1: Family/whānau support agency -- teachers and social workers)

The focus of the Bill not being anti-smacking was highlighted by public health nurse participants.

“What the people who are wanting reform are asking for is some way of protecting children from being severely beaten and some of the injuries that they have received are certainly not on. So it’s ... saying that, when the change comes, people who give their child a smack around the legs in the supermarket or whatever they do, that if it’s reasonable, they won’t be dragged into court and it’s trying to get that message out.” (Focus group 10: Public health nurses)

Another participant in the same group mentioned that changing the law would show the public that smacking was not acceptable.

“And I don’t think it will stop parents smacking just ‘cause they have the law, but what I think what it does is makes it a bit more unacceptable in society and then we move on. It might take us 10 years but ... I personally believe we need to make the stand.” (Focus group 10: Public health nurses)

Several focus groups believed that a law change might drive the practice of physical punishment underground. This concern was accompanied by the feeling that “It will be hard work for us” in Focus group 2. There was also the perception in one group that the Bill might criminalise good parents, and that they would be less likely to seek help.

“You know there were times that I lapsed and I smacked my kids. And making me a criminal -- and I was already so stressed, look at me. And I thought, Would that be helpful? and I don’t personally think it would ... I have seen some parents who have struggled to come and tell me ... And I do think that it may be the law might criminalise them and it might make people feel like they can’t seek help or counselling.” (Focus group 4: Counsellors)

There were few strong pro-repeal or anti-repeal views voiced in the focus groups. During the course of their work with families participants did not discuss the legal debate much with parents. Neither did the focus groups talk much about the widely publicised evidence of the harmful long-term effects of physical punishment. Some of the participants were clearly confused themselves about the meaning and implications of the proposed law change, which may be why they did not want to discuss the issue with parents and help clarify it for them.

### How Well Prepared and Resourced are Professionals to Deal with Disciplinary Issues?

There was consensus that parents required more culturally appropriate information, education and support, especially if the law changed.

“If the Government’s even thinking about it why aren’t they just doing a massive campaign at the moment in educating people more? ... I mean SKIP<sup>5</sup> has been ... really positive and there should be more available.” (Focus group 9: Child health nurses)

The implication of the need for a much more proactive approach to parent education, was that the professionals “would need a lot more resources” (Focus group 9). Since advising parents on disciplinary practices is already a role for the vast majority of participants, we were interested to find out what formal or informal training they had received on the topic. A number of participants referred to their professional training, and just over a third (21 participants, 36%) said they had received formal training. The majority of these had a

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<sup>5</sup> SKIP (Strategies for Kids, Information for Parents) is a Ministry of Social Development parent education/support initiative.



background in early childhood education. As one participant social worker (formerly an early childhood teacher) said, "In early childhood training you get a lot."

One social worker in schools mentioned her pre-service training and later professional development as being useful in the context of the strong philosophy of her professional group in opposing the use of physical punishment.

"We come up with our own sort of strategies ... and it's from our own life experiences ... from our studies.... We've got our 'dips' [Diplomas in Social Work]. We still have, you know, the odd bit of training that we go away and do ... But we're all avid no-hitters, you see, so it's really easy to come up with strategies." (Focus group 6: Social workers in schools)

The majority of the participants in the focus groups (37 participants, 64%) had not received any formal training about child discipline, and their knowledge mostly came from learning on the job or from being parents themselves. For some, a lack of training had consequences in reducing their confidence to talk with parents about discipline.

"Because we don't have specific training on how to discipline, you are only coming from what you bring with you about the appropriate way. So you have to be more doubly careful if you are going to step in and advise them on what to do." (Focus group 2: Family/whānau support workers / social workers)

However, those who had formal training alone also felt a lack of confidence. One professional described her discomfort advising parents when she herself had no personal parenting experience. Her comment suggests that if people are young and inexperienced when they undertake training, it is more difficult to utilise it in work with parents. Exposure to formal training by itself may not be enough to help professionals in their advisory role, and real-life practical experience may be an essential adjunct.

"I know that when I was training, I had to run a parenting course with someone and I felt intensely uncomfortable doing it -- my very limited knowledge of parenting itself." (Focus group 1: Family support agency -- teachers and social workers)

Professionals sought information from a range of sources, including TV programmes, colleagues and books, but many of them agreed that the biggest asset to them was their own family experiences and that this increased their credibility.

Participant 2: "And the more children you have the better. The more experiences that you got under your belt then the more different scenarios you can think of."  
Participant 3: "The more anecdotal evidence that you have."  
Participant 2: "Good storytellers go down well." (Focus group 1: Family support agency -- teachers and social workers)

All participants considered that professional development in this area would be useful for them.

"It would be excellent, you know, having specific training -- sort of how to deal with children ... (Focus group 1: Family support agency -- teachers and social workers)

Although the professionals were pleased with some of the work that has been done in the last few years, such as the introduction of SKIP, they felt that much more would need to be done in the future, that the initiative should be widened (for example to cover older children), and

that more resources were essential. Professionals were not particularly confident in their own knowledge about the effects of, and advantages and disadvantages of, disciplinary procedures. Their own lack of training was an inhibiting factor in some cases, but formal training without practical experience was not thought to be helpful. It is more likely that ongoing and regular professional development opportunities alongside other professionals working with families could enable these professionals to reflect on practice, and discuss information for families and effective strategies.

## CONCLUSIONS

In our view professionals are, and will be, in the front line of developing a preventive approach to supporting families to use non-punitive parenting. They are, however, in need of much more professional support and development opportunities so that they can continue their important work as effectively as possible. Unambiguous policies within professional organisations that clearly state that smacking is harmful and inappropriate can help give professionals the authority and the rationale to give parents straightforward and clear messages about positive parenting.

The recent change in the law with the introduction of the Crimes (Substituted Section 59) Amendment Act 2007 and the public awareness campaign against family violence signal that New Zealand does not accept violence towards children, and that we are finally beginning to address our responsibilities to implement the United Nations Convention on the Rights of the Child. Article 19 requires that state parties take all appropriate measures to protect children against all forms of violence, injury or abuse, and at last we have begun to take action on this issue. We are the first English-speaking country in the world to introduce such legislation (though there are at least 18 other countries who prohibit the physical punishment of children). Professionals, in our view, can play an important role in changing parents' attitudes towards according dignity and respect to children, within the context of clear guidelines and suggestions about a positive disciplinary approach.

There is little doubt that public understanding can be changed when there is a coherent ideology, high-impact information and influential people to help disseminate such messages (Wood 2001). It is to be hoped that the new public campaign changes public attitudes to violence against children. It remains to be seen whether the campaign will be as clear and unequivocal as it needs to be about the negative effects and the illegality of physically punishing children. It is our view, however, that in the context of personal contact and ongoing trusting relationships, early childhood professionals can really make a difference and help to change parental attitudes and behaviour.

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