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'The law assumes that reasonable parents beat their children'

Mutiny at the Nore. The right to beat women was eroded by the matrimonial offence of cruelty. A Victorian father had a free hand to strike his servants, his animals, his wife and his children. Today he would be left only his children.

Provided that the punishment is not 'immoderate' or 'excessive', a teacher is supported by the law. Even if an accident results (like the case of a 12-year-old girl whose hand was paralysed after a caning) the teacher is not liable.

What is moderate and reasonable is decided by the courts. In March 1972, a Birmingham jury took less than half an hour to find a schoolmaster not guilty of an assault on a 14-year-old he was 'trying to restrain'. The judge told the jury that 'bolshie' schoolchildren were now expected to be treated 'like visiting royalty'. The law did not ask for teachers 'to behave like saints'. The boy in question had had his jaw broken in two places.

If it can be proved that unnecessary force has been used on a child, then criminal proceedings can be brought against a teacher. Few cases get as far as the courts, but those that are proved are normally successfully reversed on appeal.

A Liverpool schoolmaster was convicted of assault on a 14-year-old girl and fined £5. The girl had been caned 16 times on the hands. The marks of the beating were visible for weeks afterwards. Her offence was 'dumb insolence'. The teacher appealed against the court's decision and won. "School discipline must be maintained," said the appeal judge.

If there is any restriction on a school's right to punish whomever and however they like - it comes from the local education authority. Unfortunately, 25 per cent. of these authorities don't have such restrictions; they are 'happy to leave the matter to the discretion of the individual teachers', as Cumberland's former education officer puts it. The remaining authorities do issue a hotchpotch of advice, but there are some odd contradictions.

"Children must never be caned directly after a misdemeanour," say Norwich. A pause for reflection before beating the child.

Cheshire couldn't agree less. "Punishment must follow as soon as possible after the offence," they declare. Strike hard, strike fast.

Neither are authorities agreed on exactly where

Offences for which a teacher might cane a primary school child

Cruelty	18	Personal Appearance	1
Lateness	3	Smoking	2
Truancy	6	Insolence	17
Talking	11	Poor Work	5
Obscenity	12	Stealing	8
Destruction	19	Lying	10

Analysis of 112 canings at 27 sample schools reported by Peter Newell in *A Last Resort?* The categories are, of course, those set down by the teacher. But even so, how will the cane reduce truancy? And why does a child do 'poor work'? Are teachers never 'late' for school? Or are they ever caned for their 'personal appearance'?

to hit children. Some are strongly opposed to caning on the buttocks, sensing the sexual connotations in this kind of ritual, others see the head area as a danger zone. They advise against the potentially disastrous effects of blows around the eyes and ears. Cornwall is the only one to be concerned about hands, and warns about damage to vulnerable finger joints.

Whichever way the LEAs advise, older boys catch it every time. This sex discrimination led to a group of Norwich boys forming a school 'Youths Lib', and they pressed for equal rights with girls - no caning at all.

Infants have a good deal of protection, and a few more liberal authorities provide special clauses to exempt physically or mentally handicapped children. In 1968 Patrick Gordon-Walker tried to force through a Bill banning corporal punishment in all schools for handicapped children. It was harassed by teachers' unions and withdrawn. More recently Baroness Wootton failed to get a similar Bill through the Lords.

Many town halls now specifically mention that 'smacks' and 'slaps' are included in a ban on corporal punishment. They found that teachers were interpreting the phrase to mean only caning.

No matter what the local authority regulations are, a punishment book is required to be kept in every school. One London junior school with a roll of 360 children recorded 27 canings, but the education officer feared that 'many slappings would go unrecorded'. He speculated that a total

ban on corporal punishment would spiral the unofficial smacks and result in an acceleration of unrecorded teacher violence.

Yet regulations only hedge on teachers' punishment activities. Ultimately, the teacher is regarded as the arbiter in matters concerning punishment. Gordon Bessey, formerly Chief Education Officer of Cumberland, says: "Teachers should be free to decide about punishment and incentive."

If a teacher hits your child he is legally acting on your behalf - *in loco parentis*. The law (which still thinks we all live in Victorian Scotland) assumes that any reasonable parent beats his child quite fiercely. And this primitive right is formally delegated to the child's school.

Authority can stretch further than you think. Although the 1944 Education Act states that children can be educated "as far as possible in accordance with the wishes of their parents," the wishes of school and home can collide. A 16-year-old Shrewsbury boy was caught smoking in the street one Saturday afternoon - a caning offence. The father stepped in and said he didn't mind his son smoking. It made no difference, the son was beaten and the father lost his appeal.

Even if you disagree with the whole issue, or if your child is being caned for something you think is trivial, you have no right to intervene. By sending him to school you implicitly agree with the law, you delegate your own cane-wielding rights.

Of course, this acquiescent delegation concept is patently absurd. Most parents have little choice as to which school their children will attend. Only the rich can shop around making distinctions and decisions about types of education. (And often they seem to purchase the services of teachers as professional canemen.)

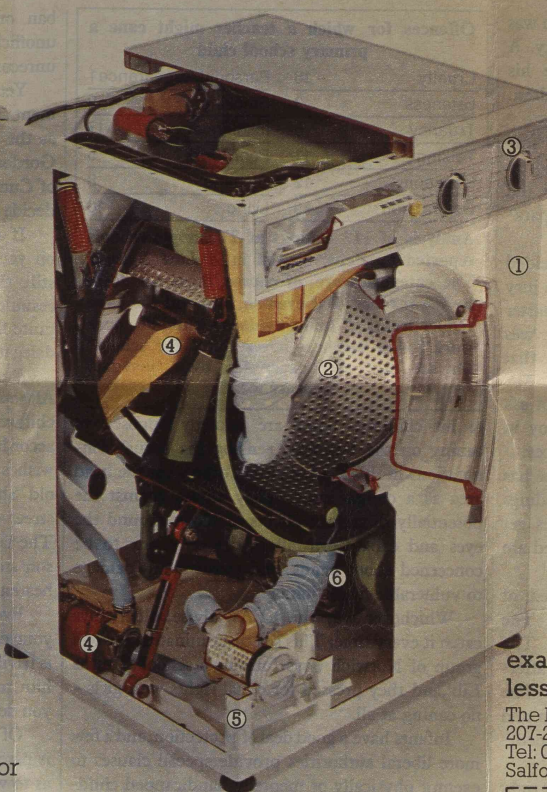
The best way of dealing with any clash of will which might arise over corporal punishment is first of all to be ready for it. Get to know the lie of the land. What are the local authority regulations? If they don't have any (this means that your child has not even the flimsiest official protection) make them think about getting some. Ask, write. If the regulations are confidential, insist on knowing why. Point out that they and you are involved in a two-way contract, not a blind date.

The same goes for school rules. Obviously you will be in a stronger position if you know

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