



Disclosure Ref: 3 sent 5/2

Freedom of Information Act 2000 Request

'Reasonable chastisement' statistics

Request

I understand that all cases in which the defence of 'reasonable chastisement' has been raised and there is a decision to charge are reported to the Operations Directorate. Please could you therefore provide me with the number of cases where reasonable chastisement has been used in England and Wales for each of the following years:

***2017
2016
2015
2014
2013
2012
2011
2010
2009
2008***

If possible could these be broken down to cases in England and cases in Wales?

Finally could you provide me with any details about the number of successful prosecutions in each of the years. For clarity I mean where this defence has been successful and the prosecution has failed.

Response

Please note there are two hyperlinks as indicated by the underlining within the text below:

In relation to the first part of your request, the Crown Prosecution Service (CPS) current guidance [Referral of Cases to CPS Headquarters \(Private Office, Operations Directorate and Press Office\), Central Casework Divisions, the Chief Crown Prosecutors/Deputy Chief Crown Prosecutors, or Area Complex Casework Units](#) states that Operations Directorate has a



monitoring role in relation to cases identified at Annex B. Amongst the case types listed in Annex B that Operations Directorate should be notified of are those where the defence of reasonable chastisement "has been raised and there is a decision to charge".

Our Referral of Casework guidance dates from before 2008 and has been revised. A copy of the guidance from 2008 can be seen on the [National Archives Archive of Government websites](#). In September 2009, the guidance was revised to include Annexes A and B. Accordingly, there were no notifications in 2008 as none were required by the guidance prior to that revision.

Between 2009 and today the Directorate to be notified has changed names: it was Policy Directorate until 2010; then Strategy and Policy Directorate until the end of 2014; and since then it has been Operations Directorate. During that period 2009 to 2017 it appears that three notifications were made – two in 2011 and one in 2014.

Please be aware that:

- it is possible not all cases were notified to the appropriate Directorate;
- the number of notifications may not reflect all that were made, as some prosecutors may have notified the responsible policy lead directly, rather than via the administrative contact. And;
- the requirement to notify was when a decision had been made to charge the chastiser, i.e. if the decision was not to charge then no notification was required.

In relation to the second part of your request, the three cases notified to the Operations Directorate mentioned above all emanated from England; no cases came from Wales.

In relation to the last part of your request, we are unable to provide you with details about the number of successful prosecutions in each of the years where this defence has been successful and the prosecution failed, without a manual review of case records.

Section 12(1) of the FOI Act means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. [The appropriate limit for central government is set at £600](#). This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

We believe that the cost of manually reviewing the cases flagged as child abuse and identified as offences against the person (amounting to 24,808 defendants who were prosecuted in total from April 2008 to March 2017) to provide the detail within the scope of your request would exceed the appropriate limit. Consequently, we are not obliged to comply with the last part of your request.

Information Management Unit
020 3357 0899
FOI.Unit@cps.gsi.gov.uk

