

Children (Equal Protection from Assault) (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

No Response

Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

I am content for this response to be attributed to me or my organisation

Please insert your name or the name of your organisation. If you choose the first option above, this should be the name as you wish it to be published. If you choose the second or third option, a name is still required, but it will not be published.

Mark Carroll

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Page 7: Your views on the proposal

Q1. Which of the following best expresses your view of the proposal of giving children equal protection from assault by prohibiting all physical punishment of children?

Partially opposed

Q1. Which of the following best expresses your view of the proposal of giving children equal protection from assault by prohibiting all physical punishment of children?

Please explain the reasons for your response

I occasionally lightly smacked my children when they were toddlers and incapable of understanding either why a rule existed or the dangers they faced. I tried to keep the rules simple and one important one was that if I bark "stop!" at them then they immediately cease and desist. For instance, once I was walking with one of my children and they unexpectedly made a beeline for the road and started across it, not stopping when instructed, despite oncoming traffic. I pulled them back onto the pavement and quickly smacked them on their nappy so the affront was rather more to their dignity than it was physical. That "stop!" rule was one for which I really was not wont to tolerate violations. Since my children became older and more amenable to conversation and reasoning, corporal punishment has never been necessary, and at no point was actual injury caused. I would certainly support never allowing severe beatings. However, I absolutely needed some reliable way to cause my toddlers to immediately stop moving into danger. Had I had some less-physical effective option available then I would have gladly availed myself of it but nothing other than a light smack seemed to work. You can justifiably blame me for not properly restraining them in the first place (I believe for my above traffic example both my hands were full of shopping at the time) but that wouldn't have been much comfort had they been struck by a vehicle once loose and it is thought bad to keep one's toddler permanently harnessed in public.

Q2. Could the aims of the proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

Unsure

Please explain the reasons for your response

I don't know to what extent current law may satisfactorily prevent injury versus a light smack. (I don't feel competent to judge the consultation's legal summary for myself.)

Q3. What do you think would be the main advantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

Gives no wiggle room so prevents *excessive* corporal punishment.

Q4. What do you think would be the main disadvantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

Prevents training disobedient toddlers to obey instructions that further their own safety and that of others.

Page 11: Financial implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

Some increase in cost

Please explain the reasons for your response

Police time and prosecutions are expensive and public legal resources are already overburdened.

Page 12: Equalities

Q6. What overall impact is the proposed Bill likely to have on the following protected groups (under the Equality Act 2010): race, disability, sex, gender re-assignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

Unsure

Please explain the reasons for your response

Question is phrased so badly as to be nonsense. For instance, "what overall impact is the proposed Bill likely to have on ... age"? People will keep on getting older. Are you asking if it will differentially impact people according to their age? Or are you asking about specific groups, like the elderly, or what?

Obviously it's an age-related bill.

Q7. Could any negative impact of the proposed Bill on any of these protected groups be minimised or avoided?

Don't make it a blanket ban, introduce a sense of proportion and necessity: i.e. Does the punishment fit the crime? Was any non-physical alternative first tested for its efficacy? Too often legislation favors black-and-white over common sense, presumably to make prosecutors' lives easier.

Page 14: Sustainability of the proposal

Q8. Do you consider that the proposed Bill can be delivered sustainably i.e. without having a disproportionate economic, social and/or environmental impact?

Yes

Please explain the reasons for your response:

It would affect those from cultures for whom corporal punishment is more the norm -- they may even feel their heritage is thus disrespected -- but I don't think that's *disproportionate* impact.

Page 15: General

Q9. Do you have any other comments or suggestions on the proposal?

no