

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 would like this response to be anonymous (the response may be published, but no name)

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 If you choose the second or third option, a name is still required, but it will not be published.

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?

Fully Supportive

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

Firstly there is compelling evidence to suggest that violently disciplining a child can lead to behavioural problems both in childhood and later life (see, for example, 'Spanking and child outcomes: Old controversies and new meta-analyses' by Gershoff E. & Grogan-Kaylor A.: 2016). It further underpins a culture of 'acceptable violence' in our society, which is a culture that I believe must be challenged. Secondly, the notion that children can be legally assaulted because of a lack of mental capability on their behalf is both demeaning to the capability of the child and is spurious. The same logic cannot be applied to any other members of society who may lack full mental capacity - no one would consider it reasonable for those with dementia to be subject to physical punishment. Thirdly, Scotland is far behind the trend of banning physical punishment of children, and the UK is now one of only 4 countries in Europe that haven't banned it. This damages our international image as a protector of child rights, and is one of the major aspects identified by 'The State of Children's Rights 2016' that should be tackled in order to properly embed the UN Convention on the Rights of the Child into Scottish law and policy. Fourthly, the lack of laws prohibiting the assault of children subjects many to needless assaults, some serious, that can still be classed as 'reasonable chastisement'. I see this law as instrumental in effecting a much-needed shift in social attitudes from the deeply ingrained notion of children as their parent's property to one of child rights and protections.

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

No

Please explain the reasons for your response

The only better way for this proposal to be delivered would be on a UK-wide basis, for the protection of all children in the UK. As this is highly unlikely, I think the most effective way to deliver this proposal would be for the Scottish Parliament to take a lead on the issue. Further, given that this is a deeply ingrained social attitude, I believe the only effective way to tackle it is through law, with corresponding legal punishment for those who ignore it. I think, for example, of the recent Smoking Prohibition (Children in Motor Vehicles) bill.

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?

Greater child protection, and the prevention of unnecessary assault of children.

Easier prosecution of those who assault their children, some of whom have been acquitted on the basis of 'reasonable chastisement'.

Effecting societal change from an attitude of children as personal property of their parents to an attitude of children as individuals with corresponding rights and protections.

A general shift away from all forms of violence in our communities, and a deeper societal understanding that violence is never justified.

An increase of forms of disciplining children that do not lead to behavioural issues.

Scotland would be leading on this issue in the UK, allowing it to pressure other devolved administrations - and Westminster - on the physical assault of children.

Scotland's reputation as 'the best place to grow up' could be cemented, and certainly Scotland would be in a much better position to talk about children and young people's rights, as it is currently a glaring omission in our legislation.

Deeper embedding of the UNCRC.

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?

None

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 reduction in cost

Please explain the reasons for your response

Largely, I would expect prosecution under this Bill to be low, as I believe most parents in Scotland would abide by it. There would, however, be some cost in prosecuting those who ignore it. However, I believe that overall this would be offset by a nation-wide reduction in violence. I believe that the physical assault of children is a major factor in sparking individuals on to a cycle of violence throughout their lives, as they have been taught from a young age that assault is acceptable behaviour.

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?

Positive

Please explain the reasons for your response

Most obviously, this would have a very positive impact for children and young people, as it would embed their rights and make the laws on assault equal to those that apply to their elders. However, it would also have a positive impact on almost all other protected groups as well, as often parent's assaulting their children can be triggered by the parent's violent disagreement with the child's beliefs or sexual orientation. I know one young person, who, when younger, was repeatedly assaulted by his parents because of his sexual orientation. They were never prosecuted because the court ruled that this was 'reasonable chastisement', although the young person in question eventually managed to convince his local authority to take him into care.

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

I do not believe the proposed Bill would result in a negative impact for any of the protected groups.

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:

I believe that there is a general trend away from corporal punishment in our society, I see this as a furtherance of that rather than any kind of paradigm shift. I therefore do not believe it would have major repercussions economically/socially/environmentally as I believe that much of the groundwork for the effective implementation of this Bill is already in place.

Page 15: General

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

No Response