

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 If you choose the second or third option, a name is still required, but it will not be published.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

I have been harmed by physical punishment as a child. My father would have been viewed and seen himself as a disciplinarian. As a child, I didn't understand my treatment was wrong and I genuinely believe my father didn't either. It took until my mid-20's for me to recognise it and the harm it had caused. As long as society and the legal system portray hitting a child as normal, we prevent children and parents from recognising the harm inflicted by what they perceive as physical punishment. Just as importantly we prevent them from seeking help.

For me, I became anorexic. I was privileged enough to be in a caring family. Yes, I was harmed by physical punishment and still see my home life as generally being caring. 99% of the time it was good. My dad cared, he just needed help to manage his temper and to be a better parent. He never got that help. I was also privileged enough to be in a family who were prepared to sacrifice other things to get me private help for my anorexia because in the early 2000's that help took years to access on the NHS. I'm no longer anorexic. I am however left with thinning of the bones as a consequence of my anorexic years and will be far more likely than my counterparts to suffer from vertebral and hip fractures in the future as a result. The physical effects of my psychological harm will live with me forever.

The emotional and psychological effects are harder to quantify. By societal standards, I would be viewed as having a good and successful professional and home life. Beneath this hardened exterior, I am however under-confident and insecure. I believe my upbringing contributes to the hardened exterior and the insecurities.

The law as it stands leaves it for the courts to judge whether the assault is justifiable based on the child's age and characteristics and the nature, reason, circumstances, duration, frequency, effect of the assault. This is a complex judgement. It is unreasonable to expect a child who is the victim of an 'unjustifiable assault' to make this judgement and to know to seek help. As a result, society currently normalises assault of children and in doing so fails to protect their safety.

Children are wonderfully naive. It might sound stupid, but I didn't know I was being mistreated until I realised I was still being beaten long after all my friends parents had stopped "smacking" them. Should I have known that it wasn't normal to be hit because something had been broken in the house at my birthday party? Should I have known that it wasn't normal to be chased into my room and beaten with a belt, a shoe, whatever comes to hand? Should I have known that 15-20 times was excessive? Should I have known that 15 was too old? Children don't know.

I can accept that there are many children who are occasionally smacked and come to no long term harm. There are many who use this to justify the current legal position. This can only be addressed by public education about the evidence of harm. If we compare with drink driving, not so long ago, it was normal for people to drive while intoxicated and indeed, many car journeys had been made by intoxicated drivers without injury or incident. Despite this argument, the evidence demonstrated a clear association between accidents and injuries. With time and education, the legislation and societal expectations, followed the evidence. We have the evidence of harm from physical punishment and it is time for this to be recognised in legislation.

Finally, to address the question of harm to the child-parent relationship from criminalisation of physical punishment, the majority of parents who are harming their children with physical punishment do not know they are doing so and if they knew, they would stop. Those who continue despite knowledge of the harmful effects should rightly be managed under the criminal justice system. Moreover, the consultation document doesn't draw attention to the harm to the child-parent relationship caused by the current position of 'justifiable assault'.

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

No

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?

For children, it's a clear ability to know when to seek help.

For parents, it's knowledge. Most people are unaware of the harm they might be causing to their children.

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?

Impact on social services resources to respond to allegations.

There should also be recognition that there is the possibility of malicious allegations. This would be my biggest concern. There needs to be an expectation that some cases will be investigated and the parent(s) genuinely and completely exonerated. Parents need to be supported and treated impartially during any investigation. This is both to protect the parents and the child-parent relationship.

Page 11: Financial implications

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

Broadly cost-neutral

Please explain the reasons for your response

Initially, cost increase to be expected. However, demand generated by responding to cases will be off-set by benefits of overall improved parenting in the medium term.

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?

Neutral (neither positive nor negative)

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

No Response

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

Page 15: General

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

An important proposal.