

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 If you choose the second or third option, a name is still required, but it will not be published.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

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 don't know where to draw the line, but I don't think it's clear cut, particularly in the area of communicating / expressing the concept that something is bad (like "don't touch the fire") with a pre-language child. I've seen a few occasions where parents really go at children in awful ways, and that's terrible (and should be criminal), but this law will criminalise everyone and see plenty of miscarriages of justice so it feels somewhat authoritarian to me. I hate violence against anyone, but the majority of "physical punishment" against children that I see is not "violent".

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

Yes (if so, please explain below)

Please explain the reasons for your response

Guidelines on what is acceptable and what is not. While the Bill maybe has good intent, I fear that it would spiral into something much bigger and cause a lot of unnecessary pain for those families who are not violent, but who are criminalised by this 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?

Assault fine, great to protect children from assault. But it all comes down to how that word is defined. A parent smacking a child on the hand for trying to touch a fire, and punching a child in the face are two very very different things. All people should be protected from assault, but physical punishment can range from a tap on the hand to a whip. One is ok, the other is not.

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?

It would criminalise people who are not violent, but who feel the need to discipline small children in 'reasonable' ways. All assault is awful, but physical punishment is not always assault in my view.

Page 11: Financial implications

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

Significant increase in cost

Please explain the reasons for your response

Beauracracy, vast increased cost from court cases and custodial sentences for people that are not violent but have been criminalised by this Bill.

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?

Yes, don't make this a Bill.

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?

No

Please explain the reasons for your response:

See my previous answers. I believe that over-regulation of such things will lead to unforeseen miscarriages of justice, that will harm children psychologically. i.e. having a parent that they love removed from their lives due to over-zealous application of these regulations.

Page 15: General

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

I completely believe that the authors of the Bill intend this to be well-meaning, but I also believe that this is a flawed approach for all of the previously cited reasons.