

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 If you choose the second or third option, a name is still required, but it will not be published.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

Today many children have no or little respect for their parents or other elders. Parents are blamed for the behaviour of their children and yet every punishment they give to their children is considered wrong. If they ground their children they can be accused of abuse, if they shout at their children they can be accused of abuse, if they take things away from their children they can be accused of abuse. Basically, no matter what they do they can be accused of abuse. Many elderly and vulnerable people will not go out alone or fear when they do because of the abuse they receive from what are children and parents despair because no matter what they do they are considered abusive. Society has come a long way from the times that children were caned in school and rightly so. I had to get my wife and daughter out of Sri Lanka as my daughter's grandparents would cane her. They once caned her, at the age of 2 and a half, for urinating on their bed when they had left her without a nappy and then, when she had been so scared and hurt by the caning that she urinated again, they caned her again. That is abuse. However, when we moved to Ireland for a time myself and my wife were both working and we used to have a neighbour pick her up after school. One day when myself and my wife arrived home we were informed that our neighbour was no longer willing to look after our daughter. She had gone and picked her up and had been walking our daughter and her friend home and they had both ran off. I found that they had crossed 2 busy roads on their own, they had not used the crossing and they had actually ran out in front of a van. They had caused themselves and others a serious risk and, for her safety, I felt she needed a sever punishment so she would not do the same again. I went into the house and I started off by explaining how totally stupid and dangerous her actions had been. I informed her of how she could have died and how her friend could have died. I informed her how she could have caused others to die. I then put her over my knee and I smacked her bottom. This was one smack, not even particularly hard, before her being sent to bed. Afterwards I felt absolutely awful for having hit her. It is not something I like to do and I will do anything to avoid it but she had put her own and other's lives at risk. She has never done anything similar since. I wonder what else I could have done in these circumstances? I am not a parent who enjoys hitting anybody. I have never hit a woman and prior to that I had never done more than give one of my children a tap on the hand when they were very young which could barely be considered a smack. I tend to do things like stop them having cartoons or stop them going to the park if they are naughty. To me what I did was justifiable. It taught my daughter very quickly that she should not do what she did. I do know there are people who smack for everything and that should be stopped. After a while children get used to it and it does not have any affect. Parents who punch or beat their children should be imprisoned but parent who use a single smack in a sever case like I did should not have to later worry that they will be prosecuted. If my daughter had died that day it would have been worse, if her friend had died that day it would have been worse, if the van had not been able to stop and had swerved and he had died it would have been worse and, how would you feel as a parent if you had not sent a very clear message to your child and the next day the same happened but somebody did die? Parents need to be able to punish their children, within reason, and yes, on occasion, I do believe a smack can be a justifiable way of doing so.

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**

It should state regular physical punishment rather than just physical punishment. I think it is doubtful that a study has been done on a person who has only ever received one smack from their parent. What the studies and evidence you are taking into account are likely very true, regular physical punishment wont have any affect but I do believe the absolute shock of a very rare smack will. The aims need to stop regular physical punishment.

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?

Obviously it would mean that more abusive parents would be prosecuted and educated on how to better deal with situations but the same could be achieved through a bill making it illegal to regularly smack a child.

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?

The disadvantages could be substantial. Many children are already out of control but more could become out of control. There are children who will make threats to their parents saying "we will go to Social Services and say you hit us" even when the parent hasn't and that would rise to the extent that parents are living in fear. A parent will not be able to give an adequate punishment when their child has done something dangerous.

## 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**

There will be an increase in prosecutions because even the parents who have used a smack as a 1 off will be liable to prosecution and the cost of these prosecutions will be astronomical.

## 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)

**Please explain the reasons for your response**

Although smacking may be used more regularly in some cultures, the use of smacking would be personal choice meaning there is no reason why there should be any affect on any particular group under the Equality Act 2010.

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

Yes, possible negative impact could be minimised by stopping regular smacking instead of stopping smacking completely.

## 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:**

Make the Bill stop regular smacking but accept there can be justifiable smacking on very rare occasions.

## Page 15: General

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

As previously stated, I believe to totally criminalise physical punishment would be costly and do a lot more harm than good. I think what needs to be done is something to stop regular physical punishment as smacking should not be used daily, weekly or even monthly. It should be on the very rare occasion when a shock is needed in order to prevent a particular behaviour.