

Children (Equal Protection from Assault) (Scotland) Bill

Page 2: About you

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

on behalf of an organisation

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".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

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 If you choose the second or third option, a name is still required, but it will not be published.

Gillian Newman, Policy Lead, Highland Children's Forum

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

Scotland is signed up to the UNCRC convention which accords children the right to protection from being harmed. The evidence that assault on children, whether a "smack" or something more severe is now available. Scotland should meet its obligations under international law, but should also meet its moral obligation and stated aim to protect children from harm.

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 approach that has been taken, of hoping that attitudes will just change over time, has had some degree of success. However, given that we signed up to UNCRC 1991, it is fair to say that changing attitudes is not happening quick enough. That is a whole generation of children who have grown up without that protection. We have seen the benefit of the smoking ban being brought in. People were up in arms about the "nanny state" before hand, but even smokers now see the benefit. Legislating for the benefit and protection of citizens is the right way to go.

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?

Equal protection would provide public recognition of children's individual rights as citizens. Children's age and stage makes them vulnerable to being denied rights. Children do not have the knowledge or at some stages of their life, the ability to stand up for their own rights. As a society we should make a stand to show that we value each member of society whatever their age and are willing to protect children with the same protection as others. This will hopefully open up a conversation across society about parenting and caring for children improving other aspects of their lives too. A longer term benefit is to break the cycle of violence that children learn from physical punishment. Children who grow up experiencing violence are more likely to accept violence as a potential means of exerting will over others.

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 balance between changing public attitudes and changing the law is a fine one. If a change in law is proposed before attitudinal change, it is likely to lead to resistance. Some public attitudes will resist change until they are brought in through the law. Again, the smoking ban is an example of this. I think the time is now ripe in terms of public attitude to bring in the legislation. I am sure there will be some backlash from parents who want to maintain the right to smack their child in the belief that this is a parental right, even a God-given one. However, this is not a reason to fail to bring in the law.

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

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Please explain the reasons for your response

There are likely to be an increase in reporting of cases where a child is hit or otherwise assaulted. This will have an impact on social, police and education services to begin with. Hopefully in the longer term, the change in attitude in society might reduce violence by children and adults thus eventually reducing costs.

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

This bill should improve protection for all groups, not just for children. However, people who use violence to exert control over their family, can increase violence if they feel that control is compromised, as often seen in gender-based violence. I have no idea if providing children with equal rights of protection would render someone already capable of violence at home to increase violence in some way.

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

Publicity of support available to anyone who is impacted by some form of domestic assault might help not just the children, but any other person subject to assault from within the family.

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?

I welcome this proposal. It feels long overdue, but perhaps society was not ready before.