

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".)

Professional with experience in a relevant subject

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 If you choose the second or third option, a name is still required, but it will not be published.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

As a paediatrician working in child protection I (worryingly frequently) undertake examinations of children of all ages who have been physically abused, most often by a parent or caregiver. I am faced at the end of these consultations with a discussion with colleagues in police and social work regarding how to proceed and whether or not there is adequate evidence to charge the alleged perpetrator with assault or if their actions fall under the category of "reasonable chastisement". This is wrong on so many levels. I support this change to the law not to ensure that such parents will be charged but to begin the slow process of changing attitudes to what kind of behaviour is appropriate in caring for children and in the hope that I will find myself having to undertake such examinations less frequently before the end of my career. It is apparent to me that in some of the families I look after, violence is an entrenched part of intergenerational behaviour and this cycle must be broken to give the current generation of children a more hopeful outlook. I would reference the benefits we have seen from seatbelt legislation, the "Back to Sleep" campaign and the smoking in public places limitation as excellent examples of how legislation can have a positive effect on changing cultural attitudes and have a significant positive impact on child health across Scotland.

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

Legislation is required to lead cultural change. The Scottish Government must lead by example, setting the standard for the way they expect their citizens to behave and exemplifying Scotland as a world leader in progressive thinking.

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?

Reduce the long term damage caused to children by exposure to physical violence and chastisement.

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?

My only reservation is the growing body of evidence for the long term damage done to children as a consequence of emotional abuse and neglect, something which is much harder to quantify and confirm. Children who are currently physically abused by their parents through smacking will continue to be at risk of long term poor outcomes for other reasons. It is much more challenging for social workers to intervene and convince parents (and courts) of the harm they are causing through neglect, emotional abuse and other non-physical abuse and therefore more difficult to effect change. This is not a reason to prevent this legislation from proceeding.

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

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

Please explain the reasons for your response

I don't anticipate that there will be a significant increase in prosecutions as a consequence of this bill. In the longer term, protecting children and allowing them to grow up free from fear and the risk of physical violence will pay dividends for their mental health and their own future parenting skills.

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?

Please explain the reasons for your response

I wonder if there is a risk of this bill disproportionately affecting racial minorities eg Chinese families who practise traditional medicine techniques on children, or immigrant families from countries where corporal punishment of children is still accepted.

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

Not that I can think of.

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?

No Response