

# 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 If you choose the second or third option, a name is still required, but it will not be published.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 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 a daughter aged 14. We live in Scotland. My daughter has an anorexic condition which is reinforced by her use of social media using an ipad. It has assisted the treatment of her condition to (a) physically restrain her from leaving a room until she has eaten a meal and (b) physically remove her ipad from her grasp. I can think of similar situations where a child may need to be restrained by a parent, for instance removing a weapon from a child which is self harming. Some of these and similar actions may constitute 'assault' by a parent. They are presumably not the target of the proposed legislation, but could be prohibited unless excluded. I broadly support the proposed prohibition on causing pain to a child by striking him or her. To have a child self harming or refusing to eat or being influenced to those activities by social media is tragic. The position must not be made worse by well intentioned but ill drafted legislation. Given a choice between removing a weapon from a self harming child or being prosecuted for assault, sadly I would choose the latter.

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**

I think a change in the law risks making normal parental interventions criminal. It may be possible to target the legislation properly, but on the whole I think changes in societal attitudes are a safer way to change behaviour without unintended consequences.

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?

None.

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?

I have set out the risks of giving children equal protection from 'assault' in a previous response. Children sometimes need to be restrained from self harming actions.

## 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 is a risk that police and social services will be required to intervene in family life as a consequence of the proposed change. In my view police and social services should only intervene in family life in cases where there is actual physical harm to children. The proposals could lead to significant resources being applied in inappropriate cases, leading to the need for more resources in those areas.

## 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**

It may be that the proposals would have greater effects on some religious or racial groups; I do not know, and I cannot see that there has been research in this area.

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

As discussed in my previous responses the legislation needs careful drafting so that prevention of self harm by a child can be physically prevented by a parent, or come to that, any responsible adult present at the time.

## 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:**

Please see previous responses.

## Page 15: General

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

no, thank you.