

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 If you choose the second or third option, a name is still required, but it will not be published.

Andrew W Symons MA

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

It seems illogical to me that any kind of assault on a child can be "justified", when assault against an adult cannot. A child has less chance than an adult of defending him/herself physically, or of taking legal action to prosecute an assailant. The 'justifiable' let-out is subjective as it would depend on the judge's view of corporal punishment, and therefore a licence for lawyers to make hay and blur issues! It also sends an unclear signal to adults (or other children) inclined towards corporal punishment as they probably would think that their action is 'justifiable'. The signal 'you cannot do it at all' is the only clear one. Agencies such as social workers, doctors, teachers should be able to bring a prosecution on behalf of the child based simply on medical evidence that an assault took place and reliable evidence of who committed the assault. The purported reasons for the assault should not be an issue for the court at all. Clarifying the law in this area is a simple matter of common sense!

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

Unsure

Please explain the reasons for your response

I am not a lawyer, but I think it should be worded in plain English so everyone understands it, and be watertight legally as well.

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?

It sends a clear message to potential assailants and should make prosecution simpler because no 'justification' (a subjective idea at best) could be offered or considered by the court. Evidence of an assault and who did it should be sufficient.

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?

[Seems to be the same as Q3?]

It sends a clear message to potential assailants and should make prosecution simpler because no 'justification' (a subjective idea at best) could be offered or considered by the court. Evidence of an assault and who did it should be sufficient.

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 reduction in cost

Please explain the reasons for your response

When it comes to basic rights, costs should not be a factor, but ... Prosecutions would be simpler to bring, and the evidence required would be more straightforward; so legal costs should be less.

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

The protection against assault should apply to all groups; no 'justification' is ever defensible. I am only unsure of the impact because I do not know exactly what protection these other groups already have.

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

I don't think there are any!

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:

I see no reason why not.

Page 15: General

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

No. Good luck. This is an important moral and human rights issue.