

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 If you choose the second or third option, a name is still required, but it will not be published.

Befriending Networks

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 adults we would never expect in 21st century Scottish society to be subjected to an assault as a means of punishment. Why then would do we expect to be able to treat the more vulnerable members of our society, children and young people, differently? How can we claim Scotland is the best place to grow up, if we are out of step with many of our neighbours in Europe and there are 52 countries in the world who have adopted a more progressive position on physical punishment of children than we have?

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

An information campaign and guidance for parents/carers would presumably be needed whether a Bill was pursued or not, to inform people of the change in the position. However, without a Bill being passed in Parliament, there is no legislative "line in the sand" around use of physical punishment. The Bill would presumably not be enacted with a view to prosecuting parents/carers who continued use of physical punishment, but without it in place, what would be the recourse for children, young people or services supporting them in this area? Would adult society accept only guidance and campaign information around its own protections from assault? Even if this were only applied to the levels of assault now regarded as being "justifiable", it is doubtful. So why should children be less protected?

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?

Children would feel more respected. Some children would grow up feeling less fearful. Both of these factors could promote more open, trusting relationships between children and parents/carers, which could end up promoting wellbeing more broadly.

Removing physical punishment would not remove the need for punishment, but the mechanism would be more likely to promote a positive journey towards behavioural change, by ending a reliance on pain infliction.

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?

Parents would need to be aware of alternative approaches to dealing with challenging behaviour. Parents would also need to be more emotionally disciplined, to avoid the end-of-tether resorting to physical punishment, at least until culture change was embedded, so may need more support.

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

Some increase in cost

Please explain the reasons for your response

The Bill would need to be supported by a campaign to ensure people were aware of the changes and to offer support around use of alternative punishment strategies.

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 is impossible to assess the impact on these different protected characteristic groups as one. For children and young people across the characteristics that apply, a broadly positive outcome might be intuited. However, parents and carers across some of these characteristics may feel that their role is being challenged by legislation in this area, so feel a negative outcome.

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

Unsure. Would certainly not recommend a dilution of the Bill around application to any protected characteristic groups as a way of minimising negative impact, if this results in a subsequent dilution of the protection of children, which is the core principle of the Bill.

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?

Unsure

Please explain the reasons for your response:

This will to some degree depend on any supporting campaign and guidance. There is a perception in society that lower strata of socio-economic status are where this type of issue abound. It will require tactful and thoughtful handling to ensure that parents/carers in all socio-economic groups appreciate the change applies to their children and to avoid further stigmatising and alienating any of them.

Page 15: General

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

Look forward to seeing the proposal move to being a Bill and then hopefully an Act, as this will constitute a further commitment to UNCRC and bring the aspiration of making Scotland the best place to grow up, one step closer to reality.