

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 If you choose the second or third option, a name is still required, but it will not be published.

Bolanle Kayode - Independent social worker

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

The issue of whether child's physical punishment is helpful or harmful remains controversial however the fact remains that it often does the opposite rather than helping to discipline a child. There was a meta-analysis of 50 years of research in a joint study by the University of Texas and University Michigan, involving over 160,000 children where they looked at impact of spanking. Outcome was that, the more children are spanked, the more they are likely to defy their parents/carers and to experience increased anti-social behaviour, aggression, mental health problems and cognitive difficulties. At the moment, the Scottish Law (s.51 of the 2003 Act) provides a level of justifiable grounds for children to suffer assault (i.e. physical punishment) from their parents/carers. A Bill is necessary to protect children from this assault and to also repeal that section of 2003 Act.

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

I am inclined to believe that a Bill in place would provide better enforcement to help ensure that children are protected from assault by prohibiting all forms of physical punishment.

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?

- 1) If they have the protection in place, this could eliminate the erroneous beliefs that physical punishment of children brings about immediate or long term compliance when in fact what it does is inflicting unnecessary injuries on children and causing them harm.
- 2) The negative impacts associated with physical punishment of children (i.e. defy parents the more, aggression, anti-social behaviour, mental health problems, cognitive difficulties etc.) are likely to be reduced thereby improving the well-being of children, Already the cost of treating young people's mental illness is running into billions on pounds. Any measure that can help decrease behaviours with can lead to children developing mental illness would be cost saving for the economy.
- 3) Given the link between physical punishment of children and anti-social behaviour including aggression, there is the benefit for the society at large. By giving children protection from assault through prohibition of all physical punishment, the number of children growing up with aggression and anti-social behaviour as a consequence of physical punishment and committing violence in the communities could be reduced.
- 4) Research showed that children who experienced physical punishment also spanked their children in their adult life. Consequently, having this Bill that prohibits all forms of physical punishment of children could help break the cycle of physical punishment which has been inflicting pain and injury down the generation line.

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 advantages of protecting children from assault by prohibiting all physical punishment far outweighs the disadvantage, if any.

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

Broadly cost-neutral

Please explain the reasons for your response

I do agree that the Bill could bring about the need for extra cost when it is initially introduced as there is likely to be increased referrals to social services and this would require additional resources. The cases that would be taken to courts would also be cost involving while provision of alternate options to parents in discipline their children would be cost involving too (i.e. support for parents/carers in terms of coaching, sharing of printed information on safe parenting strategies rather than using physical punishments etc.). Nonetheless, the long term effect of embarking on such campaign is likely to have a counter-balancing outcome. It does not come cheap to support children and young people with mental illness or cognitive difficulties. If well-being of children can be supported to avoid these issues (rather than aggravating it through physical punishment), the public health is enhanced and the likelihood that government would spend huge amount of money to address ill-health as children develops is reduced.

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?

Positive

Please explain the reasons for your response

I have responded 'positive' because this proposal is clear of its intention to complete 'Well-being Impact Assessment' before the Bill is introduced. It is expected that the process should allow the identification of any negative impact that may suffix for certain individuals or groups, thereby having mitigating measures that could help them in place. For certain immigrant families with belief or ideology that physical punishment is a 'must' for their children, support would be particularly crucial. They will need every help to help them understand the context of the Bill, including that breach would have consequences.

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

If any, education, campaign and wide communication should help to mitigate negative impacts.

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:

As earlier commented, there would be initial increased cost (i.e. increased referrals to social services, support for parents in using alternative parenting strategies rather than physical punishment, cases taken to courts etc.), however I am of the opinion that there is likely to be counter-balancing effect in the long

Q8. Do you consider that the proposed Bill can be delivered sustainably i.e. without having a disproportionate economic, social and/or environmental impact?

term. Protecting children from the impacts of physical punishment (i.e. injuries, mental health difficulties, anti-social behaviour, cognitive difficulties etc.) will be huge cost saving in the long run.

Page 15: General

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

Scotland is now the only part of United Kingdom allowing 'reasonable chastisement' of children. Having a Bill in place that protect children and young people from this un-necessary behaviour that causes more damages than any good is long overdue. The parental strategy of using physical punishment to enforce discipline is not fit for purpose. The section of the Common Law that seem to be providing excuse for parents /carers to inflict injury/pain/harm on children needs to be legislated against.