

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 If you choose the second or third option, a name is still required, but it will not be published.

John MacLeod

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 opposed

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 consider that a great many caring, loving parents would be criminalised for restrained minor physical chastisement of their children, while other parents who would comply with the terms of the proposals would be drawn into discipline by means of sustained mental and psychological methods of ensuring children comply with instructions necessary for the child's own safety. I consider such mental and psychological torturing of children to be brutal and unacceptable, not to mention counter-productive in the long term.

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

Unsure

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?

I see no advantages, only disadvantages.

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?

1. State interference threatens the freedom and integrity of families and does long term damage to the children which remains when they grow up and become parents themselves. It results in distrust and hatred of social workers, teachers etc. and is a major influence in parents choosing to educate their children outwith the state sector.

2. Children are already protected against assault. We're talking about reasonable chastisement of young people who are physically, mentally and educationally immature. How does one deal with such a child when he or she heads for the wood-burning stove with hand outstretched -- or even removes a fireguard in order to get at the hot stove? When the child fails to respond to an instruction to stop? A physical response is the only way to prevent injury. Children do not always reason in the same way as adults and being sent to the naughty step isn't much use when the injury has already occurred (and the parent is deemed by the doctor who treats the burns to be guilty of neglect.

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

It adds to the existing policing duties of teachers, social workers, health visitors etc. and is an extension of the duties envisaged under the Named Person scheme and the pre-existing Designated Person system.

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?

Negative

Please explain the reasons for your response

The proposed Bill would immediately outlaw Christian parents who follow the teaching of the Bible in relation to proportionate and loving enforcement of Christian standards of behaviour.

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

No, because the basic premises of the proposed Bill are in my view fatally flawed

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:

1. It will turn people of Christian convictions against teachers, social workers, doctors, nurses, health visitors and other medical professionals, against law enforcers and against the Scottish Parliament. 2. It will lead to anti-social behaviour by children being dealt with by their peers -- brutally and without mercy. It is likely, therefore, to increase the number of serious assaults on children. This is well illustrated by the Principal Teacher of my acquaintance who, unable to impose any meaningful discipline on a particularly difficult and dangerous teenager, quietly suggested to some of the offender's school class that they might care to consider taking him round to a quiet corner behind the school and deal with the problem. Which they did, in a somewhat unrestrained manner. That's not the sort of situation we want to encourage, but it's exactly the sort of action that the proposed bill would lead to in practice.

Page 15: General

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

1. Smacking does not automatically equate to child abuse. It can be part of loving discipline.
2. Children who are undisciplined grow up into antinomian adults.
3. Parents prevented legally from giving reasonable discipline in love will themselves come to disrespect the law and the law enforcement agencies.
4. Further to (and confirmatio of) my earlier responses, evidence from Sweden indicates that in Sweden actual child abuse rates and in particular child-against-child violence increased after the banning of smacking in 1979.

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

5. I write with a certain amount of experience, having 9 children and 12 grandchildren.