

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 If you choose the second or third option, a name is still required, but it will not be published.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 believe children should never be subjected to physical punishment. However in some cases restraint may be necessary so must be clearly differentiated from punishment. Restraint is however not always used appropriately and proportionately. Schools appear to be using seclusion and punishment under the guise of restraint, particularly children with additional support needs.

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

There must be proper legislation on the matter. However staff at schools/care settings must be held accountable too, just as parents should.

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 learn a lot from their environment - so all adults should portray responsible role models to them and demonstrate that hitting of anyone is unacceptable full stop!
My child has been grabbed and dragged by staff at school. This was deemed to be acceptable. When my child grabbed another child he was subjected to seclusion.
School are portraying that it's ok for adults to behave like this but not children.
Schools seem to be protected in that they can treat children as they please.
I'm sure if I grabbed and dragged either staff or a child like that - I would be facing very serious consequences! However it seems schools have some immunity.
Children need to know that if any adult punishes them physically, that they have somewhere to turn. They must know their rights.

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?

There may be incidents of over-reporting. However this is far better than under-reporting!
For example a toddler screaming and refusing to sit in their car seat, being pinned down and shouted at by a tired and frustrated parent, could be viewed by a passerby as physical punishment.
However legislation should be very clear so that everyone, children included, know what is acceptable and what isn't.

Page 11: Financial implications

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

Unsure

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

It would hugely protect the most vulnerable groups. My disabled son has been subjected to serious mishandling because he is forced to attend a mainstream school where he is unsupported. Staff expect him to have the same capabilities and understanding as the other children, so is punished because of his disability. A Bill to protect these vulnerable groups is vital.

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

Clear policies
A campaign to alert everyone from young to old
Easy methods to report
Knowledge that any report will be fully followed up
Victim protection following reports
Training for staff who work with children
Clear guidelines on what methods of restraint is acceptable

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:

There are far too many children with additional support needs in mainstream schools and not enough staff or adequate training. This has resulted in hundreds of stories from parents of disabled children reporting incidents of serious physical mishandling in schools across Scotland. Not only would the cost of implementing the Bill have to be taken into account but also training for all staff working with children in Scotland. Otherwise if these kind of actions are made illegal then there will be huge numbers of school staff being removed!! (And so they should be). However there is already a huge shortage of teachers, teaching assistants, ASL staff and money so to implement such a Bill fully and efficiently, is probably bigger than any budget would allow!

Page 15: General

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

The proposal is fantastic.
However it must be applicable to all adults - not just parents.
These policies must be fully implemented in schools and other care settings.

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

A lot of training and support will be required to fully maintain these proposals.
However we are living in 2017 not the stone ages so this is a very appropriate and essential proposal for the future of Scotland's children.
Good Luck!