

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 If you choose the second or third option, a name is still required, but it will not be published.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

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 am deeply concerned at this proposal. As a parent of two young children, who uses smacking in discipline of their behaviour, this legislative change will make my conduct criminal. The proposal is entirely misguided - real physical abuse of children is reprehensible, and must be punished with the full force of the law, but smacking within a framework of loving correction is not abusive. On the contrary, to leave a child wilful and undisciplined in their behaviour is highly damaging, and stores up problems for the future, leaving teachers and social workers to try to remedy the harm that poor and lax parenting has already done. Smacking that is done calmly, in a controlled and measured way, and within a context of firm rebuke of the disobedient behaviour, is an exceedingly effective form of discipline, as I and many other parents can testify. I have used smacking to deal with many serious problems of misconduct with my own children (such as biting), and have found it works well - a child will not bite another person if they know they will be smacked and sat on the 'naughty step' for ten minutes. As a parent, I only need to follow through a couple of times with this punishment, and the bad behaviour is corrected as a result. It is deeply worrying that such an incident could be characterised as a criminal assault - rather than what it is, loving and salutary parental discipline. I would appeal that this legislation be emphatically rejected.

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

Yes (if so, please explain below)

Please explain the reasons for your response

The real aim of this legislation is (if I understand correctly) not to victimise loving parents, but to address the danger of damaging physical assault. In my view, this legislation will not be effective in achieving that goal, diverting the attention of hard-pressed social workers and police officers into pursuing loving parents, rather than those who are abusive. This legislation will muddy the waters between loving discipline and abuse, when in practice, there is a very clear and evident difference between these things. It would be far better for the state to concentrate on promoting good discipline in schools and families, and supporting parents in their role, rather than needlessly criminalising harmless conduct.

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?

None.

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 main disadvantages are: the loss of discipline in families that would certainly result; the consequent harm done to children by failing to ground them in proper and disciplined conduct before they go to school and participate in wider society; the dilemma this would cause parents who smack as a point of principle; the fear of parents that their children would report on them to authorities poisoning family relations; the distraction of the authorities and diversion of resources in pursuing unnecessary prosecutions under this proposed law; and worst of all, the damage done to loving parents by being misrepresented as child abusers - and perhaps even having their custody of their own children threatened.

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

The legislation would result in unnecessary and wasteful social work and police investigations - and perhaps even children being taken into care, with massive costs, both financial and in terms of emotional harm.

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

As a Christian, physical punishment of my children is mandated by the Bible, which is my rule of conduct (in passages such as Proverbs 22:15, 23:13-14, 29:15). This legislation will be directly discriminatory towards me, in preventing me from fulfilling my duty to God to discipline my children as He has commanded.

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

Only by including a religious exemption clause, which would eviscerate the whole point of the legislation.

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:

The proposal would cause social damage to families, as I have detailed above. It would burden Government services with additional (and wholly unnecessary) responsibilities of investigation and prosecution.

Page 15: General

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

The whole proposal is fatally flawed in failing to distinguish between physical abuse (i.e. actual assault), which we all deplore, and loving discipline. This legislation will criminalise my own calm, principled and loving conduct. This makes no sense, and is deeply troubling. Children are not adults, they do not understand verbal reasoning at young ages, and sometimes need loving physical discipline. This does no harm at all. I would appeal to legislators to abandon this proposal.