

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 If you choose the second or third option, a name is still required, but it will not be published.

James MacInnes

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**

this bill will result in state intrusion into family life, criminalise loving parents, engender a sense of suspicion regarding statutory services, create additional work for statutory services. The claim that this is unlikely to result in the criminalisation of parents is nothing more than the naive hope of the legislators. thousands of loving parents will be criminalised overnight resources will be diverted away from genuine cases of child abuse - which can be dealt with adequately under coronet legislation. parents and statutory services are able to distinguish between chastisement and assault. already under the law where there is lack of clarity there is the opportunity for referral to the Procurator Fiscal and courts. a loving smack - is not an assault and it is misguided and a misrepresentation to suggest it is. children are not adults and the law needs to recognise this distinction. comparing smoking in public and physical punishment is misguided and misleading. smoking damages the health of all - adult and child, attitudes toward it are rightly changing, and the state's legislation in this regard is not unreasonable. Smacking is not proven to damage the health of any individual, nor of society at large. proportional physical punishment is a far better solution which which brings a discipline problem to a conclusion rather than leaving a lingering atmosphere of resentment and guilt

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**

I hope not, in that the aim of the proposal appears to be to overrule parental responsibility and care. children have protection under the law already.

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?

this is a very loaded question!  
this proposed legislation offers 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?

this legislation would threaten family life. prevent parents from providing the best parenting by dealing with each child as an individual. it presents loving parents as ignorant and potential criminals. parents who chose to use physical punishment do so as part of a range of responses, and not because they can't think of any other response.

parents will be criminalised with huge repercussions for these individuals in the workplace and society - jeopardising the welfare of their family units.

this legislation is misguided in describing a smack as an assault

the named person fiasco created an atmosphere of suspicion around statutory services, this consultation, and legislation should it reach that far, will only perpetuate that mistrust.

statutory services are already overwhelmed with unworkable case loads - without creating a further tranche of cases. even if "smacking parents" are not reported to the Procurator Fiscal - some level of investigation will necessarily have to be carried out.  
family life has it's own stresses without parents being subjected to "re-education classes"

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?

children will be encouraged to resent parents who have disciplined them

## 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**

I don't understand claims that there will be potential savings. what about the unforeseen cost in future generations of ill-disciplined children when they themselves reach adulthood. one problem society has today is a rising generation who have a sense of entitlement and resentment but not responsibility. there will be costs to statutory services and police in following up reported 'crimes' there will be costs in 'reduction packages' there will be financial costs, through stress to parents.

## 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**

people with religious faith who believe that physical chastisement is a legitimate way to discipline a child will be disadvantaged and will not be able, under the law, to act consistently with their religious faith. married people will find marriage put under stress and strain because of the invasive nature of this legislation. one of the arguments for proposing this change is that society's views have developed and progressed away from what was a less informed and more primitive worldview. this implies that the worldview of middle aged and older people is less relevant and consequently that these people are less valued and that what was an accepted norm in society was dangerous, malicious and ought to be criminalised. it suggests that wisdom belongs only to today's society

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

yes. don't legislate

## 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:**

social and economic impact is unmeasurable. it will damage family life. it disadvantages children who will not benefit from a proven form of discipline. it puts stress and strain on individuals and families it adds pressure to statutory services. legitimate cases would easily be over looked. it heightens suspicion

## Page 15: General

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

public opinion strongly opposes a ban on smacking - in 2014 a ComRes poll found 65% of adults think it can be necessary for a parent to smack a child. a mere 22% disagreed.

the state has enough legitimate work to do, without invading the prerogative of parents and families as to how children are raised.

I was smacked as a child and never resented it, but respect my parents for their loving discipline.

smacking is not child abuse - and it some of the language used in the consultation and draft bill is manipulative and misleading.