

# 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".)

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 If you choose the second or third option, a name is still required, but it will not be published.

Howel Jones

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**

Well intentioned and commended for addressing wider issues. However, the proposed legislation is totally unnecessary. Based on misguided assumptions reflecting 'political correctness' rather than reality and common sense. While purporting to be 'protection' it interferes with parental responsibility and devalues the sterling work of traditional families who discipline their children (without using excessive or vindictive force). From my personal experience of professional involvement in Education and as a parent and grandparent, it is a crude instrument, difficult – and very costly – to implement and unlikely to have any positive effect. Discipline in the sense of 'bringing up a child' is not abuse. If societal attitudes (towards physical punishment) has changed then its practice has lessened so why introduce restrictive legislation? The abuse of children and the intemperate action of parents beating and punishing – as opposed to disciplining - their children is a different matter and needs to be tackled as part of a much wider approach.

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**

By better education and the advocacy of positive helps, such as courses and guidance resources aimed at, e.g. "Positive Parenting" acknowledging the needs of the practitioners (many, because of societal breakdown, have little by way of positive role models or familial support) and treating them as partners rather than suggesting that the children for whom they are responsible are victims of criminal tendencies.

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, or very few. It would be counterproductive by creating perceived categories, such as 'abused children' and a conflict environment.

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?

Like any other interventionist programme this would have enormous financial and resource implications. If nothing else, it would further overload a demoralised social welfare system and divert finite resources from more essential, and potentially effective, approaches.

## 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**

Additional bureaucracy

## 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**

Creates another sub-group with all the associated expectations but unlikely to ameliorate any problems.

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

Yes, by abandoning it. Intention is good but approach is ineffective.

## 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:**

No. It would add considerably to the burden of social services and contribute to further demoralisation by being perceived as interfering and imposing. Welfare services - be they medical, educational or social - function best when they perceive themselves to be trusted and obtain satisfaction from achievement. I have seen this across a range of educational spheres (especially with Special Needs) where teachers, left to themselves and made aware of positive ethos, perform well. The current climate of 'mistrust' sometimes camouflaged as 'accountability' may be responsible for declining standards of achievement in Scottish schools. Parenting is difficult enough as it is: Government should acknowledge this and not denigrate it, certainly not introduce a suggestion of criminalisation.

## Page 15: General

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

Most of my views have already been made. Two further ones:

(1) Society must bear its share of responsibility. Practice always happens in a context. The current climate of self-satisfying indulgence with practices such as farming children off to child-care in order to allow adults to earn more to satisfy a materialistic life style; or devaluing effective functioning units, such as family and responsibility, produces a distorted society. We reap what we sow.

(2) Voluntary work is being increasingly devalued and practitioners in these areas perceive a significant lack of recognition or acknowledgement. Resource cuts are destroying so many spontaneous and positive helpful agencies and practices, many by people who understand the context and the prevailing ethos.

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

If Government wants to better serve society then it would be better to think what more can we do to help rather than whom else can we 'protect'.