

# Children (Equal Protection from Assault) (Scotland) Bill

## Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

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".)

*No Response*

Please select the category which best describes your organisation

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

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 If you choose the second or third option, a name is still required, but it will not be published.

Lesley McLay, Chief Executive, NHS Tayside

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 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**

There is good evidence that use of physical pain by parents to discipline children: Is harmful to children – is associated with a range of adverse outcomes including emotional and behavioral problems, anxiety and depression, physical abuse and anti-social behavior and violence in childhood and adulthood (1) Doesn't work - is ineffective in achieving moral internalisation of the values and behaviors the discipline is trying to encourage (2) . Contravenes the rights of children and young people to be protected from avoidable pain (3) There is also evidence that legislating to prevent the use of physical pain by parents to discipline children does not result in the increased prosecution of parents but is likely to result in a decrease in incidence of violent crime (4) and child abuse in the long term (5). References 1. Heilmann A, Kelly Y, Watt RG. (2015) Equally Protected?: A review of the evidence on the physical punishment of children. London: NSPCC. 2. Gershoff ET. Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review. Psychological Bulletin. 2002; 128:539-79. 3. United Nations Committee on the Rights of the Child (2008): Consideration of reports submitted by States parties under Article 44 of the Convention. Concluding observations: United Kingdom Of Great Britain And Northern Ireland. United Nations. Available <http://www.refworld.org/docid/4906d1d72.html> [Accessed 4th June 2017] 4. The Economist. Spanking and Crime Rates. Available from <http://www.economist.com/blogs/charlemagne/2013/07/spanking-and-crime-rates?fsrc=scn/tw/te/bl/spankingandcrimerates> [Accessed 4th June 2017]. 5. Boyson R, Thrope L. (2002) Equal Protection for children: An overview of the experience of countries that accord children full legal protection from physical punishment. NSPCC. Available from <https://resourcecentre.savethechildren.net/library/equal-protection-children-overview-experience-countries-accord-children-full-legal>. [Accessed 4th June 2017]

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

No

**Please explain the reasons for your response**

Whilst rates have been falling, 56% of Scottish 7 year olds were still reporting experience of smacking in 2012. (6) Experience in other areas – e.g. seatbelt legislation, smoking in public places – has shown that a legislative lead can initiate a quicker change in social norms and public attitudes particularly when accompanied by effective social marketing/communication campaigns. Reference 6. Parkes A, Sweeting H, Wight D (2014): Growing Up in Scotland: Family and school influences on children's social and emotional well-being. Edinburgh: Scottish Government.

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?

Reduction in the many associated adverse outcomes outlined above, in particular an improvement in the health and wellbeing of children and young people.

Improvement of the rights and position of children and young people in Scottish Society

A ban on physical punishment of children further reinforces the wider public health message that violence and abuse are not acceptable in any context, especially where there is an imbalance of power and control.

Reductions in all abuse of power, as future generations are brought up in a culture which does not condone this particular abuse of power and which normalises mutual respect between adults and children.

Reduction in need for range of statutory services in the longer term – e.g. child protection, mental health, addictions, criminal justice.

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?

Increased public and third sector resource dedicated to supporting parents achieve warm, responsive and emotionally intelligent parenting.

Promotion of the reputation of Scotland as a country that protects and cares for vulnerable members of society.

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?

None.

## Page 11: Financial implications

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

Some reduction in cost

### **Please explain the reasons for your response**

Whilst in the short term there may be an increased demand on police and child protection services to investigate reported incidents of child physical punishment, countries which already prohibit physical punishment of children have not seen an increase in parental prosecution (7). Furthermore, research in these countries show significant change over time in relevant social norms and behaviours which are likely to result in cost savings for both these services in the longer term. Similarly whilst there will be a need to invest in parenting and family support in the short-term, in the long-term due to decreased incidence in associated adverse outcomes (e.g. emotional and behavioral problems) we would anticipate a reduction in the need for a range of other currently responsive publically funded services. Reference 7.

<https://resourcecentre.savethechildren.net/library/equal-protection-children-overview-experience-countries-accord-children-full-legal>

## 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**

This legislation will address a current age-based inequality by offering children and young people the same protection as adults from the use of physical pain as a disciplinary measure. In addition the legislation should help establish behavioural norms that refrain from smacking children across parents/carers from different cultural backgrounds.

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

*No Response*

## 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?

Yes

## Page 15: General

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

It would be helpful to have further clarity on the investment required to deliver adequate parenting support at a local level to ensure an educative and facilitative rather than punitive approach to achieving positive parental discipline.

We welcome this proposed Bill, agree that the UK is now out of step with the majority of European countries which have acted on the evidence base to introduce a legislative ban on the use of physical pain to discipline children and further agree that in its absence we are currently failing to fully meet our responsibilities and commitments as signatories to the UN Convention on the Rights of the Child.