

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 If you choose the second or third option, a name is still required, but it will not be published.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 appalled by the thought that parents may be prosecuted; families split up; parents convicted etc. by merely smacking their child. Parents have an extremely difficult job to do and seem to be receiving less and less support from Scottish parliament. They are increasingly blamed for every social ill and yet their ability and choice in how to discipline their own children is more and more restricted. This legislation is patronising in that it assumes a superiority in ethics and intelligence in those parents who don't smack over those that do. It will lead to an even greater burden on social services and the Police force; it will divert resources from cases of serious abuse and encourage a society based on suspicion and fear. This is a subject many parents are already frightened to discuss and this legislation will drive the debate further underground - surely something that will only serve to hinder the fight against abuse.

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

We have firstly to get a better agreement on what is and what is not abuse so a much wider consultation would certainly encourage debate. Also, if those who propose this kind of legislation are convinced that all forms of physical correction are wrong then why can't the fight be fought through education and support rather than seeking to criminalise and stigmatise parents and / or guardians who don't agree with this point of view.

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?

There are certainly advantages in that it would seek to ensure all "abuse" - as defined by those who support this legislation - fall under one legal category and thus appear to give more protection to children. However, this assumes a definition of abuse which I doubt most people agree. Also, once smacking has been redefined as abuse where do we go then? Is sending a child to his or her room unlawful imprisonment? I note that there is no move to ban Parents sending their children to boarding school from the age of 8 years old which I would class as a far more abusive act than a smack on the hand or behind.

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?

1. Many parents smack out of anger or fear so one "mistake" could be hugely damaging to a family.
2. The legislation relies on teachers and fellow parents being "spies" for the authorities to an extent I feel is excessive.
3. It has taken many years to create an environment where speaking about abuse - sexual and physical - is encouraged, and openness which might be lost and lead to real abuse being further driven "underground".
4. The administrative burden on the Police and social services would be costly and burdensome and could divert resources from serious cases of abuse.
5. On many occasions the mere threat of a smack is enough to deter a child from misbehaving - even this would be taken away.
6. It is patronising to parents that, should they think that smacking is an effective method of discipline, are deemed inferior to those that do not.

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 increase in cost

Please explain the reasons for your response

The cost would more likely come from the increase in prosecutions and the increase in care costs for children who may be taken away from their parents. I think it unlikely that extra resources will magically appear in order to enforce the new legislation.

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?

Slightly negative

Please explain the reasons for your response

The one area where these groups might be seen to be slighted is religion. Some religions place great emphasis on discipline and in many cases support the use of physical correction.

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

As I have tried to emphasise, this should be about choice, education and support. Outlawing any act that is seen to be supported by religious ideology could lead to conflict and thus some groups might perceive that they are being persecuted.

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 impact would be in terms of cost - financial in terms of implementing the Bill - and social, with the increased likelihood of families breaking up and children being taken into care.

Page 15: General

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

I would suggest that if you asked the Scottish people most would not agree that a smack is abuse. I hope the proposal fails because I feel we as people are left with very little say as it is, and every aspect of our lives seems to be dictated to by people who claim to know better.