

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 If you choose the second or third option, a name is still required, but it will not be published.

Vivien M. Stewart

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 take issue with some of the terms and generalisations used in the consultation document; for example there are references to many parents supporting the proposals but no evidence (no facts, figures, details of consultations carried out) provided to support this statement. The terms used, such as 'assault', convey images of battered and beaten children as does other language used to persuade the reader of the merits of the proposal. Of course no one would wish to have children 'assaulted', or physically or mentally abused. What the vast majority of parents do to chastise a child, on occasion, is far from assault, and forms one of a range of behaviour management strategies used to develop their offspring. I disagree profoundly that children who are given a light smack (not shaking, hitting on the head, smacks which leave bruising, etc, etc) become aggressive and become abusive adults prone to assaulting others. Nor do I think that a light smack given in the context of a loving family environment damages a child to the extent it is viewed as an ACE (Adverse Childhood Event), which is what I believe was being obliquely referred to in the consultation document. One might suggest that perhaps the removal of a child's ipad as a punishment could be viewed by the child themselves far more adversely than a light smack, over and done with. Children are not stupid - far from it. Responsible parents will explain their systems of discipline and what behaviours lead to which consequences, so to suggest a child might feel unloved if lightly smacked is, in my opinion, nonsense. Parents come in for a lot of negative comment due to perceived unruly (or worse) children and young people - in schools, in our societies; so let parents manage their child's behaviour in the way they see fit - for that child, for that particular behaviour - as there is no 'one size fits all'. A light smack is part of that range of managing behaviour and parents should not be criminalized if their punishment is measured and appropriate to the age and stage of the child - in other words, leave the legislation as it currently stands. The Scottish Government has already had a public mauling over the 'Named Person' legislation, with parents up in arms over what they perceive to be Government interference in private family life. The proposed Bill, I suggest, will be viewed in similar light.

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

I refer to my previous answer

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?

I don't think there would be advantages

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?

I think this Bill would criminalize loving and responsible parents who choose to use a light smack as part of their child's behaviour management strategy.

I think this Bill would weaken the rights of responsible parents to bring up their children in the way they best see fit, and is their right to do so.

I think this Bill would place a huge burden on, for example, Health and Social Care Partnerships as there will undoubtedly be referrals from well meaning adults who feel the need to 'report' on parents. The new H&SCPs are already struggling to cope with the challenges of integration; prior to that Social Work departments were struggling to cope with service demands. Additional referrals would place a huge strain

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?

on an already stretched service. The Police service would likewise have additional pressure placed upon it, even if prosecutions did not result.

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

I refer to my response to the previous question (although this does not cover any other costs associated with promoting and marketing of the new Bill and any additional parental 'supports' or training which may be needed if parents were found to be smacking children but no Court case was being brought)

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?

Neutral (neither positive nor negative)

Please explain the reasons for your response

Even if light physical punishment tends to be doled out to boys more than girls, or is more prevalent in some cultures than others (as 2 examples), I don't believe that banning physical punishment then somehow makes for a more equitable society in terms of the Equality Act 2010 and the protected characteristics.

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

See previous 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?

No

Q8. Do you consider that the proposed Bill can be delivered sustainably i.e. without having a disproportionate economic, social and/or environmental impact?

Please explain the reasons for your response:

I believe the Bill will have wide reaching social impacts - and not always positive, despite the rhetoric in the consultation document. I also believe the Bill will have financial repercussions (as per my previous reply) though cannot attempt to quantify what that would be at this stage. I think it would be important not to under-estimate these.

Page 15: General

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

No Response