

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 If you choose the second or third option, a name is still required, but it will not be published.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

Your proposal would criminalise loving parents who use chastisement carefully with their children's best long term interests at heart.

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 don't see the need for this proposal at all. If it is to deal with cases of abusive parents (i.e. a minority) then it would be better if effort was focussed on the problem cases, not as a general broad brush approach to all parents.

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?

No advantage. I don't think it is necessary to go so far as to completely prohibit all physical punishment of children. Try to target cases of abuse, rather than everyone.

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?

It is an unacceptable intrusion into family life. Many parents chastise children with their children's best interests at heart. Also, where would you find the resources to police a ban like this?

## 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**

The cost of enforcement is the main cost. If a ban were to be enforced it must be simple definition increase the costs of enforcement.

## 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**

As a guess, the proposal is likely to adversely affect traditional religious groups who are perhaps more likely to use chastisement.

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

Not without dropping the proposals.

## 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:**

It will clearly increase workload for social workers or those who are expected to enforce it. There would be an adverse environmental impact in more paperwork, presumably more home visits by social workers or enforcement. Likewise it would have an economic impact.

## Page 15: General

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

Smacking is not abuse. For most parents it is an act of love, taken seriously, and with their child's best interests at heart. Sometimes the right and loving thing to do does not feel easy at the time, but it will produce benefit in the long run.

Your proposal seems to ignore well established fact. You state that "physical punishment can instead make children's problem behaviour worse". This may be true in some cases, but you fail to acknowledge the fact that in many cases, physical punishment when used carefully does effectively deal with problem behaviour. Your proposal does quote some research to the extent that it supports your view.

Unfortunately I don't have the time or parliamentary resources at my disposal to respond with research from the other side. However I think it suffices to say that the effectiveness of chastisement is borne out by generations of experience by many parents, and indeed children (retrospectively!).