

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".)

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 If you choose the second or third option, a name is still required, but it will not be published.

Cathy McCulloch

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

Children should have the same protection as adults when it comes to any kind of assault or violence. Physical punishment of children can make a child feel humiliated and embarrassed which has a negative effect on their emotional wellbeing. It can negatively affect children's level of self-confidence and self-esteem. International research evidences how physical punishment does not work and can lead to physical abuse. If we want to help children change their behaviour, we don't do that by making them feel bad but by making them feel good. Physical punishment never feels good.

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

This remains a controversial issue in Scotland and I believe the government has the opportunity to take a strong lead to help change public opinion by committing to a legislative process. If we continue to rely on persuasion, those of us who argue for equal protection will continue to be seen as 'do-gooders' or 'wishy-washy liberals'. Scotland still relies on punishment as a mainstay of controlling children's behaviour. We need to change the paradigm around this issue and the seriousness of legislation provides a strong context that will elicit different discussions and debate across society.

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?

Children will be equal in the eyes of the law to adults in relation to being safe from any kind of assault or violence.
Children will feel valued and know that their right to be safe from harm is being respected and upheld by the government
Adults will be required to think about alternative ways of supporting and educating their children
The Bill will encourage discussion about why we need such a Bill. This will involve educating Scotland about the negative impact of physical punishment alongside information about what children need to grow up feeling supported to be resilient and have good levels of emotional wellbeing

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

Physical punishment is often meted out to children by parents who have had limited exposure to positive

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parenting practices or who understand the negative impact of physical and emotional abuse of children. In my experience, when parents understand the different outcomes they get from their children by adopting an approach that builds stronger, more positive relationships between them and their children, we see improvements in children's behaviour, the development of better levels of self-confidence and self-esteem and better resilience. This consequently requires less involvement from support agencies and contributes to children's ability to 'manage' themselves (in terms of behaviour and building and maintaining positive relationships) without the need to specialist interventions.

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

children of all backgrounds and abilities will be protected by the Bill and for many adults this will be the first time they will have had to think about what they do to and with children. For those adults who fall back on the currently acceptable practice of physical assault, they will be required to think differently about how to support their children.

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

Information should be available to help parents/carers and wider society understand why physical assault is wrong and what other approaches there are to ensure the essential boundaries are in place which help children feel safe and secure.

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

Please explain the reasons for your response:

With proper and effective support, the Bill will enable new discussions that will lead to improved relationships between children and between children and adults. This can only result in improved social and environmental awareness and understanding leading to better behaviour and management of resources.

Page 15: General

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

I would suggest that the government considers working with key organisations like Children's Parliament, The Scottish Youth Parliament, Together (Scottish Alliance for Children's Rights) and the Commissioner for Children and Young People to ensure that appropriate and useful information is made available to support discussion around the Bill. There will be many in Scotland who will be against the Bill because they don't have an alternative to smacking and believe that if they lose that right they will lose 'control' of children.

We need to reassure adults that by removing adults' right to smack children, we are not removing their right to set and maintain boundaries for which there are consequences when contravened. Information that helps adults understand that by engaging positively, encouraging, talking, sharing, encouraging respect and understanding with their children, leads to better outcomes for their children is more likely to help people get alongside the legislation and support its implementation.