

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 If you choose the second or third option, a name is still required, but it will not be published.

Hazel Bell

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 completely opposed to this bill as I believe it will criminalise parents who believe that it is sometimes necessary to smack a child when disciplining them. Children cannot be treated as equal to adults because they are not equal. They are not granted the equal rights or responsibilities as adults in many areas of law eg in relation to smoking, driving, marriage, education or voting. Parents have authority over a child that no adult has over another adult, because parents are responsible for their child's upbringing and well being and their child's behaviour. A parent is expect to lay down rules and ensure they are obeyed. You don't tell an adult what they should eat and when, what clothes they should put on, or to brush their teeth or clean up their room! Neither are adults likely to run out in front of a car or touch a hot cooker. Parenting is about telling a child what to do and ensuring that they do it. Smacking a child on the bottom is not the same as an adult assaulting another adult. A smack is given to a child in the context of a loving parent-child relationship From experience I have found a few gentle taps when needed, established your authority as a parent and children did as they were told. Repeat smacks were seldom needed. Child rearing was pleasant and joyful for both the parent and child. However I have observed many cases where parents have no authority over their children and every day is an assault of aggressive, verbal abuse in order to get their children to behave. Each and every child is different, some children are very compliant by nature and never need smacked, other children can be very defiant and stubborn my nature and a smack helps set the boundaries and is ultimately for the child's good. I am also opposed to this bill because of the shocking reports and statistics from New Zealand where smacking has been banned since 2007 and the country is now reaping the results. New Zealand's Family First organisation has reported that the 2007 ban has not resulted in any improvement in children's "well being" – and in many cases it has worsened. As laws already exist in this country that define the boundaries of smacking and prohibit a parent from taking smacking too far, I can't see what this further bill will achieve other than to punish good conscientious parents from parenting as they see fit. It really shouts nanny-state!

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**

If they aim of the bill is to stop child abuse, money would be better spent improving social care services to children at risk.

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?

None, children are not adults and treating them as so is taking away from the special care and privilege that children growing up in our country should have.

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?

Children would not receive the the discipline and nurture they require as parents would be prohibited, by the government, as establishing themselves as the ultimate authority in a child's life.

Children would suffer from increased rates of behavioural and emotional problems. A newly published report from New Zealand's Family's First organisation attributes a huge increase (132%) in children diagnosed with emotional and/or behavioural problems to the introduction of an anti-smacking law in 2007\*.

Undisciplined children may grow up with no respect to positions of authority. Firstly toward a parent, but

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?

then the class teacher, and ultimately the law.

Good parents would be criminalised for bring up their children in a way that they see fit.

Parents would have less confidence in dealing with unacceptable behaviour for fear of being in violation of the law.

Cases of serious physical assault or neglect could be overlooked as the system deals with innumerable cases of minor acts of physical discipline.

The policing of this bill would come at a considerable cost to the country.

\* McCoskrie B, "DEFYING HUMAN NATURE" An Analysis of New Zealand's 2007 Anti-Smacking Law, February 2016

## 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**

How would the new bill be enforced? Who would pick up the cost of taking parents to court who are in violation of the new bill.? What system would be used for reporting violations of the bill. Could there be an increase in anti-social behaviour from children who have not been disciplined?

## 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**

Sex - This bill may have a greater affect on boys than girls. I believe this bill could have an greater impact on the well being of boys in particular and may result in the gender attainment gap between boys and girls becoming even wider. Research from a country where smacking is banned reports "that the prohibition of all forms of physical correction may inadvertently undermine appropriate parental discipline with the result that a small but increasing percentage of boys may grow up with a dangerous combination of disrespect for their mothers and a lack of self control." Research shows that boys are more likely than girls to push against boundaries and defy parental and other authorities, including the class teacher. This leads to an increase in misbehaviour in school and could be a contributing factor in boys not reaching their full potential in literacy and writing. "There are important gender differences in boys' and girls' behaviour. There is evidence that boys and girls who become disaffected tend to take different pathways. Boys account for 80 percent of permanent exclusions and three quarters of fixed term exclusions." (Gender and Education: The Evidence on Pupils in England)

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

Yes.

## 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?

Unsure

## Page 15: General

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

I think MSPs should think very seriously when they decide to redefine what is right and wrong for a country. I find it very sad the a politician wants to criminalise hundreds of good parents who are making the effort to guide, lead and discipline their family. It probably only is good parents that dare to discipline their children, many parents don't care what their kids are up to and it is these undisciplined children that cause disruption in the classroom, carry out anti-social behaviour in the neighbourhood and ultimately become a problem for the law.