

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 If you choose the second or third option, a name is still required, but it will not be published.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

Physical punishment is assault, by someone bigger and more powerful. It exists to discipline children through fear. We know that Adverse Childhood Experiences have a negative effect on brain development and that children who experience ACE's have poorer outcomes than those who do not. Young children do not behave in the ways we want them to because their brains are developing and they are still learning. The role of 'discipline' should be to help children understand the consequences of their actions and to help them to develop self-regulation and also an intrinsic motivation to behave appropriately. In my experience, children who behave 'badly' nearly always have adverse childhood experiences or additional support needs, their brains are developing differently and they need our support, not pain inflicted on them.

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**

The current legal position is that the physical punishment of children can be viewed as justifiable assault, therefore, the law needs to be changed to ensure that it can never be argued in a court, that parents or carers who have physically punished a child, are justified. The United Nations (UN) is clear that legal provisions which allow any level of violent punishment of children are not compatible with the UN Convention on the Rights of the Child and ought to be repealed.

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?

We would be protecting children from abuse.

The 2003 Act allows some forms of physical punishment and not others. This does not help parents to understand that physical punishment is damaging for children and it does not encourage them to learn more appropriate and useful techniques of teaching their children appropriate behaviour.

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?

There are no disadvantages, though there would perhaps be a rise in cases initially which could provide a burden for the Police. There would need to be a significant education campaign and better access to parenting classes.

## 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

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

**Please explain the reasons for your response**

Initially, this may impact on the Police who would have to follow up incidents which currently they do not. Also a wide ranging education campaign would cost money.

## 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**

It is a positive move for any civilised society and will affect everyone in these groups as all were children once and many may have children.

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

I don't think there would be a negative impact.

## 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:**

I think the bill would have a significant social impact, but that with education and time this would be sustainable.

## Page 15: General

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

"Every child and young person has the right to be, and feel, safe and protected from any avoidable situation or acts of commission or omission by others that might affect their wellbeing. Such as:  
- being physically, sexually or emotionally harmed in any way  
- being put at risk of physical, sexual or emotional harm, abuse or exploitation." GIRFEC

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

There is a substantial body of research that shows that physical punishment of children is not effective, physically and emotionally damaging and has a negative effect on life chances. If the Scottish government is serious about equity for all then this bill must be passed.

If an adult hit another adult, it would be termed assault. When adults do it to children, it should be seen as abuse.