

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 If you choose the second or third option, a name is still required, but it will not be published.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

Smacking of children is not assault or child abuse. On the contrary, to neglect to discipline a child physically when necessary comprises child neglect. It would be to fail in our parental duty. Parents are to discipline their children in this way where necessary because they love them. There are situations where only smacking is the appropriate discipline, where any other form of discipline is inappropriate and ineffective. A smacking ban would risk criminalising many loving parents, parents who are seriously concerned for their own children's well-being.

Q2. Could the aims of the proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

No Response

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 Response

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?

As mentioned already, a smacking ban would risk criminalising many loving parents, parents who are seriously concerned for their own children's well-being.

A smacking ban would also further contribute to the production of selfish and disrespectful children with all the consequences for the children themselves and society in general.

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 proposed legislation could turn thousands of loving parents into criminals with all the potential cost of dealing with the consequences of this by social workers and the police etc. Ultimately, inadequately disciplined children will lead to additional problems in society in the future, with the associated costs of addressing these issues.

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

The proposed Bill would discriminate against those who practise reasonable chastisement of their children on the basis, not least, of their conscientiously held religious beliefs.

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

No 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

Page 15: General

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

Smacking of one's child must, of course, be done in a controlled and loving manner, not in a fit of rage. It must be carried out on an appropriate part of the body and in a manner so as to inflict temporary discomfort only and not any injury.

To refer to physical discipline of children as assault and to say that children do not have the same protection from assault as adults is misrepresentation on both counts. Parents are in a position of authority, children are not – they are inferiors and need to learn right from wrong. It is parents' prerogative and duty to physically discipline their children when necessary.

The consultation paper refers to the views of children having been sought. We would suggest this is irrelevant. What would you expect many children to say? As children grow older they should come to see the wisdom and benefit of appropriate physical discipline.

Existing legislation maintains the balance, at least to a certain extent, of outlawing child abuse but maintaining the freedom for parents to exercise reasonable chastisement of their children. The proposed Bill would lose this balance and would represent unlawful intrusion into family life and restriction of parents' lawful rights.

For the reasons mentioned we are strongly opposed to the proposed Bill and would strongly urge you not to introduce any such legislation.