

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 If you choose the second or third option, a name is still required, but it will not be published.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

Partially 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

In theory I do agree but at times of danger etc it is reasonable to pull a child back from a busy road etc but this may be misconstrued by others as being excessively aggressive to a child. Also children with certain disabilities may need restraint which again can look like abuse to onlookers. I worry parents/carers/staff would be therefor open to criminal punishment if reported for such incidents.

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

Yes (if so, please explain below)

Please explain the reasons for your response

I feel we need more input in early years to help parents find a better way of dealing with misbehaviour. Children of families who have used physical chastisement in past generations need educating this is not the only way to manage behaviours in children. It will still happen if these families do not understand and change to other beliefs. Children will then only be smacked etc in private away from others eyes - "wait till I get you home" scenario.

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?

Parents of children who have been seen to have had excessive physical chastisement rather than criminalise should be opened up to individual intensive support to learn ways of more positive parenting strategies. Not just parenting programmes but ongoing support to help them to sustain this and to feel less judged as parents as some of these parents genuinely believe they are doing what is right for their children. I do not believe this is so but we need to be educating not punishing these parents who if not willing to undertake such support then criminal proceedings may then be taken or indeed should these parents then actually be in charge of their childrens welfare.

So yes if other routes have failed then having this law may be the way forward.

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?

Parents will be more private in punishments
Educating parents will not have priority
Criminal justice system will be overloaded

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

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

Increase in cost for investigative proceedings and criminal prosecutions which could be better placed in educating and supporting families.

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?

Neutral (neither positive nor negative)

Please explain the reasons for your response

Not sure how this would impact on these protected groups as law will be to cover all children. Only difficultly I can see is in terms of mental and physical disability where hands on containment is necessary for safety of child may be seen as a criminal act.

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

There needs to be more clarity on what is excessive for some groups ie disability as they too need protected from abuse but also need protected from risk.

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:

Long term sustainability will need to come from educating parents to feel confident in their parenting abilities which do not include physical punishment.

Page 15: General

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

As I have said before in an ideal world I would back this 100% However it is not looking at long term sustainable outcomes for families nor is it looking at how this will impact on children who have very low

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control/understanding of impulsive risk taking behaviour which at times does need hands on containment which may be misconstrued by members of public etc.

For some parents this bill will feel like they have been left with no way of controlling their childrens behaviour - you may be putting the cart before the horse and need to implement some education for parents. I do believe positive parenting is to the benefit of our children but we need to give our parents the understanding and the tools to be able to do this and to understand why.