

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 If you choose the second or third option, a name is still required, but it will not be published.

Heidi Docherty

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**

Scotland currently lags behind in how other European countries view physical punishment towards children. I believe it is fundamentally a human right that children are protected from physical punishment and that they should be given equal rights in how physical abuse towards them is seen by law. At present, a 17 and a half year old 'child' can be physically harmed by an adult and it is seen as 'reasonable chastisement' as long as it does not mean a blow to the head or with a physical instrument. A baby can still be physically harmed by an adult as long as it is considered 'reasonable'. And how do we justify such 'reasonable chastisement' when this may harm the child psychologically - which may then continue throughout their adult life and extend to their harming their own children? This is wrong and needs to be changed. We need to be seen as pioneers of change in Scotland in line with other progressive modern countries and how they uphold the UNCRC with supportive legislation.

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

Unsure

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?

This would help to create a society which enables children to be seen as equals, as human beings, not just smaller adults who are able to be controlled by parents.

It would send out strong signals to adults who believe it is currently acceptable to harm children and may lead to prosecution, thereby reducing potential further physical abuse.

It would help to support a generation of children who, as parents would be aware of the negative effects of harming children.

Increase self esteem and well being levels in children who are at risk of abuse.

May stem current levels of mild physical abuse towards children with the risk of being prosecuted.

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?

May be interpreted as Scotland being seen as a 'nanny state'.

Some parents may feel their 'parental issues' as private and they should be left to 'control' their child as they see fit.

Backlash towards any legislation that may interfere with 'family life'.

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**

I believe there should be a initiative to introduce such as Bill if it were passed. This may be in the form of posters and leaflets targeted at parents via Health Visitors, nurseries, schools etc and therefore would have a cost implication.

## 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**

I don't believe this should affect any of the proposed groups suggested. As parents, they are therefore all equal and have equal responsibilities towards children. This should not be marginalised and a suggestion that any minority groups would be treated differently. The focus of this Bill should be the safety and wellbeing of children.

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

I believe if this Bill is brought in with openness and transparency from the offset, clearing stating that all parents will be treated equally should they be found to be physically harming a child, then there should be relatively little negative impact. Essentially, ANY adult found physically harming a child or children should be treated with equal punitive measures.

## 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:**

This Bill should be able to be delivered without a disproportionate response as there is a simple message which hopefully will relate to all adults in Scotland from a wide variety of demographics, from different backgrounds, variable socio-economic environments, ages and ethnicities.

## Page 15: General

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

I believe the proposed Bill is well overdue and needs to be brought in to bring Scotland in line with other progressive European countries. The current legislation allows adults to still be able to physically abuse children as long as this harm is 'reasonable'. In whose eyes?