

# 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".)

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 If you choose the second or third option, a name is still required, but it will not be published.

Dr Richard Whitecross

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**

The UNCRC is clear on the right of children to equal protection from assault. Children have the same right as an adult to protection from assault. The available research data show a strong and consistent detrimental link between physical punishment as a child and adult outcomes. It is particularly worrying to see in the accumulated research the particular vulnerability to physical punishment of young children and boys.

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**

No. There needs to be legal reform to end physical assault of children in Scotland. Certainly this will need a range of educational and social messages and policies to implement, for example better education about parenting skills, and anger management. However, these other measures and policies need to have a clear legal foundation that states that children should not be subjected to physical assault on any grounds removing the defence that a smack is justifiable.

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?

By protecting children from physical punishment it is arguable that children will not seek to engage in similar behaviours. There are probably longer term psychological and behavioural benefits for children who are no longer, one hopes, subject to physical punishment. From an adult's perspective it might make parents and adults more aware of how their own behaviours affect children and perhaps recognise that physical assaults of all types are inappropriate.

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?

Opponents will argue that on occasion children need to be disciplined. Whilst there will always be a challenge to maintain discipline, and undoubtedly challenges many parents have experienced at some point, it should not be a justification for the status quo on smacking. Children should by right have equal protection from physical assault the same as an adult member of society.

## 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**

There will be costs around informing people of any change in the law and perhaps in developing and

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delivering any support for parents. Potential costs in policing for reported incidents and potential prosecutions.

## 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

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?

Yes

## Page 15: General

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

The available research data from across a range of countries, as well as Scotland, demonstrate the detrimental impact of physical punishment on children and on their development. It is time for Scotland to move forward and to put human rights at the heart of legal change by ensuring children have equal protection.