

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 If you choose the second or third option, a name is still required, but it will not be published.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 of children and young people is in direct contravention of their rights as outlined in the UNCRC. Scotland should be making changes in order to meet its obligations in international law under both European and UN human rights monitoring bodies. By legislating to ensure that children and young people have equal protection from assault, the proposed Bill would bring Scotland in line with international standards and with other countries across Europe and the world who have made the commitment in law to meet their legal obligations and moral duty. There is overwhelming, international evidence which suggests that physical punishment is potentially damaging, risks escalation into physical abuse and is ineffective in supporting improved behaviour in children and young people. The current legal protection for children and young people in this area is woefully inadequate and discriminatory as they do not enjoy the same protection from assault as adults. This needs to change. There is support across Scottish society for a change in the law, including health practitioners, the Police, social workers, religious groups and many across the children's rights sector. There would be less resistance to this than there might have been in the past. I believe this Bill would provide strong leadership and represent good, evidence-based decision making - much like the smoking ban - and has potential to make a dramatic improvement in public health and child rights. Most importantly, we know directly from children, young people, parents and carers that there are very serious consequences and negative impacts from physical punishment. Let's listen to children and young people and demonstrate that we hear them, respect their views and are willing to make the changes needed to improve their lives.

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

I agree with Children in Scotland and believe, for the reasons outlined previously, that change in law is absolutely essential to give children and young people equal protection from assault. While social behaviour may change over time, and physical punishment may be regarded as less and less acceptable by the public, having the defence of 'justifiable assault' within Scots law is an unacceptable breach of child rights that will not change until the law changes. And it will leave Scotland increasingly out of step with other countries within Europe and beyond.

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?

The main advantages will be in the areas of child rights and health and wellbeing. The proposed Bill would give children and young people equal legal status with adults in terms of protection from assault and this would uphold their rights to a far greater extent than the current situation. I also expect the Bill to reduce the prevalence of physical punishment and in turn have a range of positive impacts on children and young people's health and wellbeing. There is a strong evidence base which shows that physical punishment affects child development, physical health, mental health and also their relationships with their parents and so it should be seen as a vital social policy measure for the Scottish Government to uphold and strengthen other policies in place such as GIRFEC.

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?

I do not believe there would be any disadvantages in progressing with this proposed Bill.

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 reduction in cost

Please explain the reasons for your response

There is no evidence I have seen that demonstrates disproportionate economic, social or environmental costs as a result of this proposed Bill. If anything, this move would demonstrate preventative spending and would likely reduce the costs associated with the demonstrably negative impacts of physical punishment further down the line in the lives of children and young people, in terms of mental and physical health and wellbeing and access to their rights among other things. In order for the spirit of the Bill to be successful, there ought to be an accompanying economic investment in awareness raising and positive public campaigning in support of the rights of children and young people. This would support the aims of the Bill and we know this to be an effective use of public funds from the international evidence base in terms of securing the rights of children and young people to equal protection from assault.

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

I would expect the Bill to have a positive impact for the listed protected groups as it would give children and young people within these groups the same protection from physical assault as adults.

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?

No Response