

Children (Equal Protection from Assault) (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

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".)

No Response

Please select the category which best describes your organisation

Other (e.g. clubs, local groups, groups of individuals, etc.)

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 If you choose the second or third option, a name is still required, but it will not be published.

South Lanarkshire Child Protection Committee

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

There are now 52 countries where physical punishment is unlawful, one of the most recent being the republic of Ireland in 2015. In line with the publication Equally Protected (2015) we are concerned by the findings of the report by the Children and Young People's Commissioner Scotland, the NSPCC and Barnardo's which states "On the issue of physical punishment, Scotland is out of step with Europe and increasingly the rest of the world", South Lanarkshire is fully supportive on the need to prohibit the physical punishment of children. Our decision is based on (a) strong international evidence clearly demonstrates that physical punishment has the potential to damage children and carries the risk of escalation into physical abuse (b) the voices of young people across Scotland with 82% of over 72,000 young people taking part in the Equally protected debate stating that smacking should be illegal. South Lanarkshire agrees legislation would offer clarity to parents and professionals alike in terms of acceptable / unacceptable discipline.

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

Whilst we have seen a significant shift away from smacking as a form of justifiable assault in Scotland, evidence suggests progress is slow. With the Child Protection Systems Review (2017) recommending a review of s12 of the Children & Young People (Scotland) Act 1937 in relation to wilful neglect it seems timely to update this section to reflect the current climate in relation to our understanding of the affects of physical punishment and give children the same rights to be protected from assault as adults. If this was not possible, then separate legislation should apply. This means compliance with Article 19 of the UN Convention on the Rights of the Child.

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?

A recent study by Elizabeth Gershoff, University of Texas, based on a study of 160,000 children and young people found that "the spanking of children was associated with unintended detrimental outcomes and was not associated with more immediate or long-term compliance, which are the parent / carers intended outcomes when they discipline their children". They found that in fact smacking has the opposite effect of what parents / carers hoped it would do. Of concern is that evidence suggests that those children subjected to regular smacking were more likely to exhibit anti-social behaviour and to experience mental health problems.

Furthermore, the Equally Protected Report above, states there is good evidence that physical punishment is related to depressive symptoms and anxiety in children.

South Lanarkshire has considered these findings in the context of GIRFEC - Wellbeing (Scottish Government) and are clear that children and young people should feel SAFE "Protected from abuse, neglect or harm" and be helped to reach their full potential at all times. It therefore seems contradictory to inhibit a child or young person meeting their wellbeing indicators by the use of physical punishment. This is supported by comments made by the then Minister for Children and Young People, Aileen Campbell in 2016 who stated "The Scottish Government does not support the physical punishment of children and does not consider that the physical punishment of children is affective".

We would actively encourage alternative parenting models for all parents and not just those known to child protection services.

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?

We see no disadvantages. The Children's Commissioner for Scotland in its Equally Protected Report offers evidence that one argument continually brought forward that physical punishment is not harmful in the context of an otherwise loving and warm family environment tested this hypothesis and found that the harmful effects of physical punishment were the same even when levels of maternal warmth were high. This suggests that the loving smack is a myth. South Lanarkshire is clear that children and young people have a right to the same levels of protection from assault as an adult.

Page 11: Financial implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

Broadly cost-neutral

Please explain the reasons for your response

As suggested in the body of the report, countries where physical punishment is no longer permitted report suggest that the number of reported alleged incidents may increase, there may therefore be a financial impact on those required to investigate. Work carried out in Ireland in 2015 when the law came into force shows that initial costs in terms of informing communities, supporting parents and undertaking campaign activity around the legislative changes were moderate. The consultation paper suggests that other costs in terms of investigation will be minimal as the initial rise in referrals reduces through educating parents and informing communities. The UNICEF Report Hidden in Plain Sight - A study of violence against children (UNICEF) 2014 offers clear evidence that violence in all its forms has a grave effect on children and undermines their future potential "It damages their physical, psychological and emotional wellbeing, and in many cases ends their lives". South Lanarkshire agrees that improving outcomes for children can only serve to reduce others costs associated with dealing with the effects of negative childhood experiences.

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

We welcome any legislative change that reduces the risk of physical assault for all groups and addresses aged based prejudice.

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

South Lanarkshire will ensure our whole community has the required support and information to affect change.

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:

It is essential that areas plan alternative supports for parents to reduce the risks of physical harm both in the immediate and longer term.

Page 15: General

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

South Lanarkshire CPC welcomes the opportunity to offer children and young people the same rights as adults from physical assault. This removes ambiguity and encourages more appropriate ways of managing challenging situations with children and young people. This brings us in line with all other countries where equal protection is already in place.