

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".)

Member of the public

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 If you choose the second or third option, a name is still required, but it will not be published.

Rev Tim Proudlove

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 opposed

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

I fully support the aim of protecting children from any form of child abuse. However, I am fully opposed to this proposal, for the following reasons: -Many thousands of loving parents, including myself and my wife (who are glad and grateful parents of two lovely young children) would be turned into criminals by this legislation. We abhor any kind of child abuse; we are simply trying to do our best for our children; we do not use smacking very often at all. However, we have found it to be an occasional helpful aid to us in our seeking to wisely, lovingly and gently discipline our children. This proposal would make us into criminals, cause us to be investigated by the state, and potentially take our children away from their parents and home. -I abhor genuine child abuse, and am fearful that energy and time will be taken away from thoroughly investigating serious and genuine cases, as money and time is diverted into investigating loving parents who carefully, lovingly, and gently smack their children on occasion. Presumably this proposal will lead to many trivial reports being made to social services, thus leading to greater difficulties in making sure that genuine cases of genuine abuse are not overlooked.

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

No Response

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?

No Response

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?

As a parent of two beautiful young children, I see a number of disadvantages. I will highlight two:

-This would criminalise myself, my wife, and thousands of other parents. We abhor abuse, and we are glad that the law protects children from assault. We do not believe, however, that an occasional careful, loving, gentle smack on the buttocks constitutes assault. We note that parents have used occasional careful, loving, gentle, smacking for many generations. We believe that this proposal (if it were made law) would be an unnecessary intrusion from the state into our family life. We do not believe that the law should be made the same in every instance for both children and adults: for example, it would rightly be illegal for me to insist that an adult stay in their bedroom through the night or to insist that an adult eat up his dinner; and yet it is necessary for every parent to insist on these things with their children. Or, to take another example, it would be illegal for me to stop an adult marrying another adult if he or she wished to do so, and yet it would rightly be legal for me to prevent someone attempting to marry a child under the age of 16. We treat children differently than we do adults, because they are children. I believe that this difference should continue to be extended to the question of occasional careful, loving, gentle smacking on the buttocks.

-Part of my role as a parent is to teach my children right from wrong, things that are safe from things that are dangerous, and to help them learn the importance of respect, justice, treating all people with dignity, and the like. This proposal would prevent me from occasionally using a method which I have found helpful in this, and intrude onto my family life and the decision my wife and I have made in terms of disciplining our children.

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

No Response

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?

No Response

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?

No Response

Page 15: General

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

-While Mr Finnie's introduction to the proposal makes reference to evidence, I note that there is evidence in the other direction. As far as I understand it, child abuse rates and child-on-child violence in Sweden increased after smacking was banned there in the late 1970s. And I note that a ComRes poll in 2014 found that 65% of adults believe it is sometimes necessary for a parent to smack a naughty child. I believe that only 22% of adults disagreed with that statement.

-As a Christian minister I am aware that for some people this is a matter of religious freedom, and indeed a conscience issue. Opinions vary on this question among Christian believers, but for some Christians whom I know, to desist from carefully and gently smacking their children when necessary would be to be unfaithful to what they believe the Scriptures teach about the discipline of children. I wonder whether (outside of the general assembly of the Church of Scotland) you have explored what faith communities have to say about this issue - including Jew, Muslim, Christian and Sikh communities (among others). Were this law to be passed, some religious persons will, as a matter of conscience, disobey the law because of their higher call to follow God. Does this law impinge on religious freedom, and will it lead to the marginalisation of religious communities?