

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 If you choose the second or third option, a name is still required, but it will not be published.

Alasdair Macdonald

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**

I was not physically punished as a child, although, I was as mischievous and downright wilfully disobedient as many children are. My parents were in a fairly small minority in our neighbourhood in Glasgow in the 1940s and 50s, who felt that physical punishment was wrong. My mother, in particular, was very opposed having suffered quite severely at the hands of my maternal grandmother. Indeed, the memories of those beatings haunted her until her dying days. After my father died, she was increasingly troubled by these memories and by her sense of injustice at being corporally punished in school for speaking in Gaelic, her native language. It became clear to me, during these days of her decline that she, in some way felt she was responsible for the beatings. They affected adversely her self respect. In retrospect, it is clear to me that the love of my father had given her the self belief to manage her life, because during the period when I was growing up she was pretty assured and redoubtable. My father's family had not been subjected to physical punishment when they were growing up in the 1900/10s. My father had been a soldier during World War 2 and had seen active service. He was in the battles of El Alamein. He was appalled by many of the things he saw, but felt he was entirely justified in being a soldier at that time. Like many ex-servicemen, he was not a pacifist, but was anti-war, although he believed that as a last resort it was justifiable. He was keen that I as a schoolboy visit Germany and get to know German people.

I received corporal punishment at school. It was painful, despite my professed stoicism, and I did feel temporary hatred towards the teachers. My parents did not object to the school punishing me in this way, because they believed that I had to learn to come to terms with the world as it was. The anger and hatred I felt towards the teacher beating me was unsettling for me. It was difficult to reconcile these spontaneous feelings with the teachings of my parents to 'do unto others as you would have them do to you.' However, because I was brought up in a loving violence free home and had plenty of pals, these episodes were very brief in my generally happy childhood. I could cope with the beltings and they were pretty infrequent.

As a young teacher, when 'required' to corporally punish a pupil, I felt very bad; disgusted with myself. It is difficult to stand up against what is the hegemony. All young teachers face difficulties with some children at some times and have to seek the assistance of colleagues. If almost all of these colleagues are (or seem to be) in favour of corporal punishment and who assist the young teacher by belting the child, then the self doubt and self loathing felt by the young teacher is amplified and I was perceived by the pupil as weak and ineffective - I "could not fight my own battles." So, I resolved to adopt different approaches to teaching, and not use corporal punishment. It was not easy at times, but, I managed. I then became a founder member of a group who lobbied to have corporal punishment ended in Scotland's schools. We received a fair amount of obloquy from some colleagues, but, in retrospect, I think most teachers, most of whom seldom used corporal punishment, really believed it degraded them, too, despite professing support for 'a last resort'.

As a teacher for 40 years, I met many children who suffered abuse at the hands of parents. These parents had themselves been victims of abuse as children. It was a self perpetuating, self justifying cycle. It was difficult to break out of because it was hegemonic; they had not learned alternatives. Fortunately, many of us did learn to change, learned from each other and supported each other.

When corporal punishment in Strathclyde ended in 1982, there was an unsettled period of adjustment, but by the time I retired in 2009 I assert unequivocally that schools were far happier places and young people healthier and better adjusted than Scotland's schools had ever been. Despite all the hoo-hah about 'falling standards' and 'dropping down the international league' I further assert that we have the best educated, in the widest sense, young people than we have ever had. Despite the claims of falling morale that teacher unions have spouted annually since 1847, teachers are happier in schools because they are no longer places where violence is acceptable.

(I was a lifelong trade unionist and supported industrial action throughout my career. Some children are difficult to manage, teaching is often stressful.)

As a parent, the idea of physically punishing my child never entered my head. It was literally, impermissible, and inconceivable. Parenting can be stressful and young children can be unreasonable, often wilfully so. But, as millions of parents have shown, children can be managed without recourse to violence - physical or emotional. And it is important to stress the 'emotional' because many supporters of physical punishment of children present this as a false dichotomy - either you beat or you withdraw love or inflict other mental torment. The parents who were the worst beaters, such as my maternal grandmother were also mental torturers.

In 1982, Strathclyde Regional Council established a policy which unequivocally ended corporal punishment and, the great majority of teachers who genuinely seldom belted immediately complied. A

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?

small minority had problems and, mostly, left teaching after a few years. Without the policy framework these few would not have left.

Were the Scottish Parliament to end the beating of children, the great majority of parents would comply. A few, supported by our venal media, would have problems and would seek to defy the law. I think we need to have a twin track approach - provide help quickly and without condition or stigma, but, also be prepared to use legal sanctions. It is a mix of education and constraint.

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 have explained in my previous answer.

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?

I think it would free us all from fear. For children it removes the threat of pain. For parents it removes the fear of brutalising oneself and it also reduces the condemnatory judgement that some parents feel when a child has a tantrum in public. It promotes a gentling of society.

We in Scotland, particularly men, feel more comfortable about expressing emotions, such as love, and I think we are all the better for it. Such a Parliamentary Act would foster this better climate.

I think it would break the generational cycle of violence.

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 think there would be long term disadvantage, but for some parents there would be short or even medium term difficulty. So, we need to create an ethos where such parents can admit their difficulties and be given loving support. For those who have suffered worst, then, I think we need to put in place longer term and, in some cases, mandatory, support.

The Named Person Scheme is the basis upon which this can be built.

Undoubtedly, there will be mischief making by some in the media and by some fringe religious groups. We need to rapidly rebut their assertions and have an active publicity and advice campaign, utilising those journalists who are more nuanced in their work. We have to take the malign publicists on. Fortunately, social media makes this much more feasible.

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**

As with any legislation there is an initial implementation cost and there is a medium term transition cost as changes are made. There will also be support costs for the purposes I described in the previous answer. However, as fewer children suffer abuse and as society accommodates the change there will be fewer costs in terms of medical and mental services, care costs, costs arising from alcohol and drug abuse, imprisonment costs. The economic analysis needs to be more sophisticated than simple pounds and pence. We need to incorporate social benefits and consequential benefits as, for example, the HEAT economic analysis tool does.

## 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**

All of these things are themselves undergoing change and by removing the threat of violence we make more feasible more imaginatively creative responses to dealing with the matters listed. For example, if it further marginalises some extreme religious groups that is a good thing for almost all of us. It is to be hoped that most of those extremists come and join us.

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

Undoubtedly, some of those groups, in the earlier stages will experience what they feel is negative for them. I think they will have to be engaged in discussion, which will often clarify issues and destroy the straw men which these groups will throw up. Such engagement must be conducted within the framework that 'this is what the Parliament intends to do' and that while there might well be minor adjustments, there will be no exemptions

## 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:**

I have discussed this in earlier responses.

## Page 15: General

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

Let us celebrate that we are doing it and not reproach ourselves with saying it ought to have been done years ago. Let us not have the self condemnation like Scotland is, as ever the coo's tail.

Perhaps we should organise street parties.