

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 If you choose the second or third option, a name is still required, but it will not be published.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 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 am fully opposed to the Bill for numerous reasons. As a Christian, mum of two young children and a Speech and Language Therapist I honestly believe that this Bill would be damaging for children and parents alike. I am proud to live in Scotland and raise my children in this country, I agree with GIRFEC that children should be Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. However, this Bill seems to be more to promote Scotland's prominence amongst other countries in the world with this ridiculous legislation rather than thinking about children's wellbeing.

- The Bible on several occasions advises using physical punishment with children (e.g. Proverbs 13 v 24 "Whoever spares the rod hates his son, but he who loves him is diligent to discipline him." Proverbs 23 v 13 + 14, Proverbs 22 v 15, Proverbs 29 v 15). By making physical punishment against the law, you are automatically discriminating against thousands of Christians, not to mention people of many other faiths. Physical punishment advised in the Bible is NEVER excessive, damaging or done in a way to harm the child, but always in love as God disciplines his children. The current law already protects against excessive physical force. If this law was to be put into practice, thousands of loving mothers and fathers would be criminalised overnight.

- All the studies that say that smacking damages children seem to be based on cases where parents are smacking out of anger. Parents are made to feel so negative about using physical punishment with their children that a lot of parents DO use it inappropriately when they are angry and at their wits end. I have used smacking with my child who is two years old and find it to be effective alongside other methods. I believe that smacking is a very useful tool when used appropriately. Smacking should never be seen as a last resort, it should never be done in anger and I believe it is best used with younger children. As a Speech and Language Therapist I am very aware of the importance of the parent-child bond and what children understand at different ages. For a two year old, any discipline must be immediate, it must be accompanied with very simple language and done in a very loving way. Children at this age do not understand removing privileges (and they will not remember why the privilege is removed.) They do not understand long explanations, they do not have well developed reasoning skills they do not understand the word why. They do however need routine, structure and clear boundaries. I believe that as children get older smacking becomes less effective and that there are more effective discipline methods that can be used as a children's understanding, use of language and verbal reasoning skills improve. Parents must always try to understand why their child has misbehaved and use steps to reduce the child's frustration or see why they have behaved in a certain way. Children should always be given a warning and any smacking should be restrained and done in private so the child does not get embarrassed. When smacking is carried out, the punishment is immediate and it is over and done with and parent and child can carry on with the rest of the day. I ask you, what is more harmful- that children are smacked or that children are excluded, left out and made to feel guilty as they are in the naughty step.

- The proposal states that it is hoped that by implementing this legislation that children's mental health will improve, however I would argue that the current levels of child mental health issues in schools are due to a lack of parental discipline. If children do not learn to obey and respect their parents, how can you expect them to respect any other types of authority in schools? I have used smacking with my child and he is a very happy and content child who has an excellent relationship with me (his mother), his father, brother and other adults and children. He is also on the whole fairly obedient and when I ask him to do something, he does it. I know that when we are in public that I can tell him to hold my hand to cross the road or not to touch the fire and he will listen. Children who are effectively disciplined grow up to be much healthier and happier. They will have more self control and therefore, I would argue, more self respect from their ability to be productive and contribute to society. This is highlighted in GIRFEC that children should be given the ability to be responsible as this is part of their wellbeing.

- GIRFEC recognises that parents are the most important people in their child's life. The government should not have the right to come between parents and their children in cases where smacking is used in a controlled, responsible and appropriate fashion.

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

Yes (if so, please explain below)

Please explain the reasons for your response

Leave the current law as it is. It already protects children against excessive physical force. Parents are the best people to discipline their children, the state should not be allowed to dictate to parents how to bring up their children. Parents should stop being shamed and made to feel guilty for using physical punishment with their children. These negative attitudes often mean that parents only smack their children as a last result (often when they are in rage)- this should not be the case. If smacking is done in a controlled and appropriate fashion (not in anger), this can be a very effective tool alongside other methods. By providing loving boundaries and structure, this is one of the ways that we can help to raise healthy, happy young people who have a strong sense of who they are and where they fit into society. The government could help to provide information on different methods of discipline, where smacking is included.

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?

Children should be protected from harm and physical abuse. However, this bill is not the way to do that as smacking appropriately does not harm children. The current law already protects children from physical abuse.

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?

Please see the answer to question 1.

- I must also emphasise, however, that this bill threatens the freedom of families throughout Scotland. It is intrusive and as a parent of two young children, I feel this bill will really undermine my rights as a parent. Nowadays, Evangelical Christians are constantly being made to feel like second class citizens in the UK, particularly in areas of moral conscience and family values. Our biblical views are no longer seen as politically correct; and in a supposedly democratic country which is meant to uphold the values of freedom of religion, speech and conscience, we are persecuted for having views that do not fit with the rest of society.

- Mr Finnie says in his consultation that the law does not offer "children the same protection from assault as adults". Smacking is not assault and children are not adults; children do not drive, marry or own a firearms licence as adults do. As I explained in my answer to question 1, very young children do not have the attention, language or verbal reasoning skills to understand more language based forms of discipline. Children are dependent on their parents to teach them right from wrong and smacking is an age appropriate, loving way of doing so with young children.

- Banning smacking will lead to thousands of trivial reports being made to social workers so that real child abuse cases are missed.

- Mr Finnie says "That's why I'm launching this consultation to outline proposals for a Bill to provide children with equal protection from assault. If – and when – we do so, then I believe that Scotland really can take its place among the most progressive and socially just nations of the world." This makes me think that Mr Finnie is bowing to peer pressure and being more concerned with the prominence of Scotland amongst other countries of the world and what others think of us as a nation, rather than focusing on the wellbeing of the children in this nation.

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

Significant increase in cost

Please explain the reasons for your response

There would be significant pressure placed on social work, health and education services both in terms of time and resources. This money could be much better spent on those who really need it. Those who truly need to access support would be forgotten about.

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?

Negative

Please explain the reasons for your response

Negative implications for people of faith. For example, Christians follow the Bible and banning smacking actually means that Christians will not be able to obey what God has said in the Bible. Criminalising Christian parents for following the Bible's advice on discipline is direct discrimination and should not be allowed to happen.

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

Page 15: General

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

- The public strongly opposes a ban on smacking. A 2014 ComRes poll found that 65% of adults said it is sometimes necessary for a parent to smack a naughty child. Only 22% disagreed.

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

- The state should not be regulating parents on how they bring up their children. It should not use criminal law to interfere in normal family life.

- Child abuse rates and child-on-child violence in Sweden increased after smacking was banned there in 1979