

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 If you choose the second or third option, a name is still required, but it will not be published.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

Appropriate, reasonable smacking a child is not the same as assault - it is not intended to cause injury or fear of injury, but is intended either to instil discipline, teach right from wrong or alert a very young child to danger (other methods are simply inappropriate for very young children, because they are too young to understand them/be reasoned with). Ordinary, loving parents with difficult, unruly children should not be facing the risk and stress of criminal prosecution and conviction and, in extreme cases, losing their children. This excellent article shows the very real risk of that happening:-
http://www.thenational.scot/comment/14864559.Vonny_Moyes_Where_is_the_line_between_child_protection_and_harmful_intrusion/
The current law strikes the right balance between child protection and the freedom of parents to include loving, physical chastisement as part of their arsenal of options to discipline their children.

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

Unsure

Please explain the reasons for your response

This is a loaded question, because it assumes the aims are benign and legitimate. I do not believe they are either. The question is akin to "When did you stop beating your wife?"

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?

None - the concept of "equal protection from assault" is ill-founded and hugely misleading. Millions of well balanced adults in Scottish and other societies have suffered no ill effects whatsoever from loving discipline from their parents - indeed "it never did me any harm" is an extremely common and entirely legitimate response that is often made. It is notable that in the research carried out in the lead up to this consultation, no questions were asked on this issue...

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?

The enormous risk (and unquantifiable reality) of ordinary, loving parents being criminalised;

An inevitable culture of fear, distrust, suspicion and intimidation, all of which are completely inimical to the kind of open, progressive society Mr Finnie seeks. This would undoubtedly lead to a statist, authoritarian, oppressive society, where the state polices parenting.

Page 11: Financial implications

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

Significant increase in cost

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

Please explain the reasons for your response

There will inevitably be a huge increase in referrals under GIRFEC/named person legislation, because smacking will always be perceived as a wellbeing concern.

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

For Race and Religion and Belief, these groups will be ostracised for their beliefs regarding parenting.

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

No, except by abandoning the Bill altogether.

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

Please explain the reasons for your response:

As previously stated, there will be an enormous cost for investigating each and every instance of smacking that named persons will inevitably discover. As also stated, this will drive a wedge between ordinary, loving families and health visitors, guidance teachers, GPs, dentists, social workers and other professionals, who ought to have a supportive relationship of trust with parents, children and families. This will inevitably to fear on the part of parents, suspicion on the part of professionals, distrust by both and the risk of intimidation and bullying by overzealous named persons who do not share the parents' worldview on disciplining children. In particular, the Muslim community is very likely to become intimidated and aggravated and there will be an increased risk of social unrest and upheaval, if Muslim children are targeted (indeed, as they must be, if this legislation is to be applied impartially).

Page 15: General

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

Sweden is mentioned as the first country to have criminalised smacking in 1979, yet between 1984 and 2010, there was a 1,791% increase in child-on-child violence. You may care to read this article in The Independent in 2013 on the subject:-

<http://www.independent.co.uk/news/world/europe/was-sweden-right-to-spare-the-rod-a-new-book-has-attacked-the-1979-decision-to-ban-smacking-8916458.html>