

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 If you choose the second or third option, a name is still required, but it will not be published.

Robert L. Cook MBE

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

These proposals would result in loving parents becoming criminalised and resources which are already stretched will be diverted away from real cases of child abuse.

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

By educating parents to love their children and by teaching them measured methods of discipline including when necessary smacking. I am seventy years old and as well as being very occasionally smacked when I deserved it as a child did likewise to my three children and they have grown up to know the difference between right and wrong. There were also other methods used which were appropriate and matched the severity or otherwise of the behaviour.

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 can see no advantages. Children need to have the security of knowing the boundaries in respect of what they can and cannot do and a gentle smack on the bottom or hand is one option which should not be done in anger. This is not in my opinion assault and indeed has been used by thousands of people for centuries and recommended in scripture.

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?

This law if passed would threaten the freedom of families throughout our country. As stated earlier, such a law would criminalise thousands of loving parents and would be an intrusion into family life undermining parental authority.

I was a Social Worker for around forty years and cannot imagine what this law would do to overworked Social Workers with heavy caseloads resulting in them dealing with trivial cases of what these proposals consider to be abuse.

It could also result in real cases of child abuse being missed due to stretched resources.

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

Please explain the reasons for your response

The proposals would result in a need for countless more Social Work and Police officers.

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

As a Christian who believes in Biblical principles this proposal if implemented would marginalise law abiding loving parents.

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

No. This bill is just another attempt at Government interfering in family life and undermining parents.

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 already stated Social Work and Police resources are stretched to the limit as it stands. This bill if passed would be unaffordable for Local Authorities.

Page 15: General

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

[View email in browser](#)

The Christian Institute logo
Say 'no' to criminalising loving parents
Dear supporter,

You may have received a letter from us last month about Green MSP John Finnie's consultation on criminalising parental smacking. His planned Private Members' Bill to ban smacking represents a clear threat to the freedom of families in Scotland. The consultation paper itself admits: "A negative impact could be anticipated in terms of parents being criminalised".

It is important that Christians and others speak out against this proposal now. Please respond without delay to the consultation, which closes this week – Friday 4 August. Please express your concerns about the plans to criminalise parents in Scotland.

Mr Finnie's approach would divert resources away from tackling genuine cases of child abuse. It would mean massive state intrusion into family life, with children potentially taken away from parents on

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

allegations that they have been smacked. Thousands of loving mothers and fathers could be turned into criminals overnight.

Despite the impression sometimes given to the contrary, it is still lawful for a parent to use 'reasonable chastisement' – such as a tap on their child's hand. The Criminal Justice (Scotland) Act 2003 prohibited certain forms of physical punishment, such as using an implement, but left in place the defence for ordinary parental smacking. Children are, of course, protected from abuse. Unreasonable physical punishment is prosecuted as assault. The present law should be left as it is.

The Scottish Government has not yet said whether it intends to back John Finnie's plans, but in April the Minister for Childcare and Early Years, Mark McDonald MSP, stated: "The Scottish Government does not support physical punishment of children".

Smacking is not child abuse. It is one of a range of discipline options for parents and an important one which should not be illegal. Of course there are lots of ways other than smacking to teach a child right from wrong, or to keep them from danger, but many children will benefit from a gentle parental smack at some point in their lives – and parents should not be criminalised for it.

These proposals represent an alarming intrusion into family life. Ordinary, loving parenting should not come under scrutiny from Government officials. We are concerned that having a religious faith would particularly bring Christian parents to the attention of social workers if smacking was banned. Please respond to the consultation – it closes this Friday, 4 August. Please pray for the protection of parents in Scotland.

Tips for how to respond are given below.

Yours in Christ,
David Greatorex
David Greatorex
Head of Research
The Christian Institute

Contact details:

You can either post or email your response, to arrive by Friday 4 August:

John Finnie MSP
Room MG.16
The Scottish Parliament
Edinburgh
EH99 1SP

Email: John.Finnie.msp@parliament.scot

The consultation paper is available [here](#).

Tips for writing:

We advise that you answer questions 1, 4 and 9 (see Section 2, on pages 28-29 of the consultation paper). If you have time, you might want to answer all the questions. (N.B. The wording of the consultation questions, reproduced below, is highly biased.)

Below we have provided some suggested points to include. Choose one or two for each question. Please use your own words and be polite, but firm.

"1. 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?"

State that you are fully opposed to the proposal, because:

Thousands of loving mothers and fathers would be turned into criminals overnight;
It will divert resources away from tackling genuine cases of child abuse.

"4. 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?"

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

Say this threatens the freedom of families throughout Scotland. If you are a parent of young children, say so.

Mr Finnie says in his consultation that the law does not offer "children the same protection from assault as adults", but point out that children are not adults. For obvious reasons, children are not allowed to drive, marry or own a firearms licence. Children are dependent on their parents to teach them right from wrong and smacking is a loving way of doing so.

The law does already protect children from assault. It is completely misleading to describe a loving smack as assault.

Say that parents should not be criminalised. A smacking ban could turn thousands of loving parents into criminals overnight.

Say that the plan is intrusive and undermines family life.

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

"9. 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.

Smacking is not child abuse. There is a clear difference between child abuse and loving parental discipline.

When children are not properly disciplined there is a knock on effect on the wider community.

It is not for the government to be regulating parents on how they bring up their children. It should not use the criminal law to interfere in normal family life.

Statistics state that child-on-child violence in Sweden increased after smacking was banned there in 1979.