

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 If you choose the second or third option, a name is still required, but it will not be published.

Mark Smith

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

Existing legislation is perfectly adequate to protect children from genuine child abuse. This proposal will undoubtedly criminalise loving parents with a balanced view of reasonable discipline in a way most ordinary people would find far too intrusive and unnecessary.

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

Through better education for parenting skills during school and beyond. Where appropriate, support for active parents and especially those struggling to understand how to best discipline unruly children.

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 do not believe there would be any advantages if prohibiting all physical punishment of children and, as a parent of five grown up children who all appreciate the way they were raised, I am believe such legislation would undermine parents' own decision to use reasonable, gentle chastisement. In general parents know best and, unless clear abuse is taking place (for which legislation already exists), the state should be there to support parents rather than control and limit their options in deciding how to best bring their family up.

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 indicated on my last answer, an unreasonable level of government intrusion to the family. The police, who would invariably have to deal with offenses under the new legislation, are already heavily stretched and unable to deal with real crimes, let alone the petty issues which would arise from new laws against loving, reasonable parents.

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

Policing costs, social workers' costs, court costs ... the list goes on!

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

Some faith groups hold to reasonable chastisement as a core value of their faith system. E.G for Jews and Christians, the advice in Proverbs over loving physical punishment would be directly undermined and in conflict with the proposed legislation. Likewise some ethnic cultures would be at odds with the criminalisation of any physical chastisement.

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

I can't see how that would be operable in real life unless the legislation only applied to certain groups, which in itself would be discriminatory.

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 explained

Page 15: General

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

As already stated, I believe this proposal to be ill founded and unreasonable.

Having lived for around a year in Sweden which similar legislation was imposed, I saw at first hand the damage done to the confidence of parents who were frequently reminded that the government was always watching them. Rather than parents feeling supported, they felt threatened and their parenting skills adversely affected because of that.