

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 If you choose the second or third option, a name is still required, but it will not be published.

Jennifer Gratwick

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

There are already laws in place to protect children from assault and abuse. Adding to them would first of all divert resources from children seriously at risk; and secondly, might criminalise good and conscientious parents, leaving their children to be taken into care, which would be infinitely worse for them than a smack from a loving parent could ever be.

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

No Response

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, as children are already protected in law; the DISadvantages would be very serious.

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?

"Equal protection from assault" is an extremely misleading, in fact nonsensical, phrase. From actual "assault", children already have legal protection: a smack by a loving parent, given to teach them the right way to behave, is in NO sense equivalent to "assault". Children cannot in fact be "equal in law" to adults - that's simply a rhetorical appeal to the buzzword "equal", which is appropriate in some contexts, but not here. They are not responsible for themselves like adults; they cannot protect, train or educate themselves, but the parents have the first duty to educate and discipline. People disagree about how best to do those things but it's not Government's right to overrule parents, (as was attempted with the "Named Person" scheme, which was rightly ruled against by the supreme court). This would be a way of further undermining and de-stabilising families,- although all studies show that the intact family is by far the most beneficial environment for children to grow up in. To criminalise good parents as this law would do would be far worse for children than a loving smack could ever be. Frivolous accusations would be a danger; and resources would be diverted from children at real, serious risk

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

Resources would be stretched following up accusations of "assault" , that ought to be concentrated on children at real risk of real assault.

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?

Please explain the reasons for your response

Too long and mixed a list for it to be possible to answer sensibly. But disadvantages such as the bill would produce to families and to the fabric of society as a whole are, in the long run, disadvantages to all.

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

Please explain the reasons for your response:

see above answers. The social impact (criminalising parents) would be huge, and resources would be very poorly used.

Page 15: General

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

Loving parental discipline is NOT child abuse; in fact a good case could be made that to bring children up WITHOUT consistently and conscientiously disciplining them is child abuse.

Criminal law should never be used to interfere in family life except, as now, in the (rare) cases of actual assault: not as a means of taking away parental responsibility.

The last ComRes poll found that only a small minority of the public (22%) disagreed with all smacking.

All physical punishment has been outlawed in Sweden for nearly 40 years, easily long enough for the effects to become clear. Child abuse rates there have increased rather than decreased.