

# Children (Equal Protection from Assault) (Scotland) Bill

## Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

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".)

*No Response*

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

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 If you choose the second or third option, a name is still required, but it will not be published.

Scottish Childminding Association

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 Supportive

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**

Scottish Childminding Association (SCMA) is Scotland's only charity dedicated to childminding. Childminders offer a flexible and unique service as they look after small groups of children in a domestic setting. Being cared for by a childminder gives children the opportunity to learn from real-life experiences. Everyday activities, like going to the shops, involvement in school pick-ups, family meal times and visits to the park all teach children valuable life skills. SCMA believe in zero tolerance in relation to physical punishment of children and see the proposal of giving children equal protection from assault by prohibiting all physical punishment of children as the next steps in the process to fully protect children. We had to lobby many years ago with other organisations to ensure that it became an offence for childcare providers, including childminders, to physically punish the children in their care. We had no way to extend this to all children but have continued to support moves to see all children given equal protection. Years later it seems incredible that a childcare provider was ever allowed to smack someone else's child and our hope is that it will not be long before we all feel the same about physically punishing any child.

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

No

**Please explain the reasons for your response**

SCMA firmly believe that children deserve to be protected in the strongest possible way. This will be with the clear message that only legislation can bring. It prevents any ambiguity about how government thinks and also sends a clear message to other countries about Scotland's desire to fully protect our 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?

Our members are working with children every day. In many cases these are vulnerable children as childminding is increasingly used to support children and families at times of difficulty. They see all the time the damage that is done to those children by physically punishing them and the hurt that it does to their parents who love and want the best for their children.

Childminders have plenty of positive strategies to help children and see just how effective being consistent and positive is even to the most challenging children.

If being consistent with children is the right way forward then being consistent about giving children equal protection from assault also has to be the right way forward. The legislation will prevent the current two tier system where some physical punishment is allowed but too much is not.

Childminders are also clear that by removing physical punishment as an option also reduces the likelihood of children being violent to one another. Simple rules with clear messages that give children increased self confidence to care for and protect one another. We would want that for all children.

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?

SCMA cannot see disadvantages.

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

Unsure

## 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?

Unsure

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?

Yes

## Page 15: General

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

The vision of SCMA is "quality childminding... building confident children within a family childcare experience" and we support the Scottish Government aspiration for "Scotland to be the best place in the world to grow up and the best place in the world to bring up children." SCMA, together with our members, want our children to be happy, healthy and to give them the very best start in life.

In 2017 SCMA acknowledge that it is totally unacceptable that our children are afforded less protection from assault than adults. Managing challenging behaviour within a professional childcare setting is part of the role of a childminder and within our sector it is known that negative experiences in early childhood can have long-term impact on children in later life. We fully endorse the importance of nurture in the early years, the impact of positive family relationships and attachment on brain development and the long term negative impact of physical punishment on children for families, communities and Scottish society.

SCMA believe in a zero tolerance attitude towards physical punishment.

Physical punishment doesn't work, sends out completely the wrong message to children experiencing it and rather than improving behaviour it has the opposite effect. We therefore fully support the Scottish

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

Government proposal for a Bill that will give children equal protection from assault by prohibiting the physical punishment of children by parents and others caring for or in charge of children.