

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".)

Professional with experience in a relevant subject

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 If you choose the second or third option, a name is still required, but it will not be published.

Adele Pashley

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

I am strongly in favour and fully supportive of the proposed Bill. International evidence is clear that physical punishment is harmful: it damages children's wellbeing and is linked to poorer outcomes in childhood and adulthood. There is clear evidence that physical punishment is ineffective in improving children's behaviour and in fact has an adverse impact on children's wellbeing. We know that corporal punishment: can cause serious harm to children; teach children that violence is an acceptable way of solving conflicts; is ineffective as a means of discipline and there are positive ways to teach, correct or discipline children which are better for the child's development and health; and makes it more difficult to protect children from severe abuse if some forms of violence are legitimate. In a published meta-analysis last year in the Journal of Family Psychology, Gershoff and University of Michigan professor Andrew Grogan-Kaylor sifted through 75 studies, for a total data pool of nearly 161,000 children, and find "no evidence that spanking is associated with improved child behaviour. Furthermore, the analysis finds evidence that spanking is associated with troubling outcomes — like increased aggression, increased anti-social behaviour, and mental health problems later in life. It can also reduce cognitive ability and self-esteem. I strongly believe that children should have the same protection from violence in law as adults. Why on earth is it okay to hit a child when you lose control? You wouldn't be allowed to hit your partner, hit your frail and elderly parents so why can you hit a child. The argument that safeguards such as GIRFEC or Child protection legislation completely ignores the evidence that physical punishment, no matter how light, has the potential to harm children. We also ignore the point that the courts' view of the severity of a punishment changes over time and is dependent on the social norms of the day. Our norms have changed, and so now should our legislation to reflect this. We are also contravening children's rights – they have a right to be protected from physical abuse. By not legislating to provide children with greater protection, what we are doing is sanctioning the use of violence against children. Keeping the status quo also ignores the mounting evidence that physical punishment simply doesn't work as a parenting tool. So we are doing parents a disservice if we continue to allow them to believe that it is. What this is really about is cultural change - about sending a clear message about the unacceptability of physical punishment – rather than any attempt to punish those who currently use physical punishment, or have done so in the past.

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

No, the United Nations Convention on the Rights of the Child (UNCRC), ratified by the UK in 1991, directs state parties to take all measures to protect children from all forms of physical and mental violence, including physical punishment. The UK and its devolved administrations have repeatedly been called upon by international rights bodies to reform the law to prevent physical punishment, most recently by the UN Committee on the Rights of the Child in 2016 and the Universal Periodic Review in 2017. We are out of line with the legislative pattern across the European Union with regards to physical violence against children by not making it illegal. This needs to change if we wish to be seen as a country committed to the emotional well-being and positive mental health of our children as they grow into adults.

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?

The main aim of changing the law is educational and cultural, rather than punitive. There is an understandable concern that legal reform would criminalise loving parents. However, none of the countries which have amended their relevant legislation have experienced a rise in criminal prosecution. Rather, measures would help to create a society which respects children's rights and values non-violent parenting. The law, properly applied, is a most powerful tool in changing traditional social norms. There is strong evidence from other countries that the passage of legislation, in combination with public awareness and education campaigns, heralds a further change in public attitudes.

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?

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?

There may be a concern that there would be an increase in prosecutions against parents ,however, evidence from countries which have already reformed their law shows there has been no significant increase in prosecutions

Page 11: Financial implications

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

Some reduction in cost

Please explain the reasons for your response

I am unclear as to what the costs would be but there may be long term savings and less cost to society in terms of having children and young people who are not taught or socialised to see violence as a way to solve problems or respond to stressful situations. There may be long term savings in the form of improved well being and outcomes for children. There may be reduced costs in child protection cases as this may increase clarity by removing grey areas. There would be increased immediate costs if we agreed that the law should be introduced alongside education and community-support programmes for parents/carers to support them in complying with the new legal requirement. Positive parenting programmes, although already available, may need to increase to support a change in legislation.

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?

Positive

Please explain the reasons for your response

I anticipate this would have a positive effect since certain protected groups e.g. children with disabilities are more vulnerable. I am not clear why there would be differential costs for different groups. There is likely to be an impact on beliefs for groups who believe that physical violence is necessary to raise children well.

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

I am not clear what impact there would be.
Increasing awareness , monitoring and support in relation to protected groups in view of their increased vulnerability perhaps using GIRFEC .

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

Please explain the reasons for your response:

I would hope that there would be a social and environmental impact of the Bill but in positive ways rather than as a social or economic cost. It would be hoped that more evidence-based, warm and nurturing approaches to parenting would be beneficial regarding future violent crime rates and punitive approaches to care-giving.

Page 15: General

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

As a clinical psychologist working with children, young people and families, I would see the introduction of this Bill as a positive step for children and families and for Scotland's future.