

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

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

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 If you choose the second or third option, a name is still required, but it will not be published.

Care and Learning, The Highland Council

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

Please explain the reasons for your response

• Children in Scotland do not enjoy the same legal protection from assault as adults. • 82% of young people agree that "All physical assault against children should be illegal". • The majority of parents do not believe that physical punishment is effective, and say that they seek to use alternative parenting strategies. • Research has highlighted the many negative outcomes for children of physical punishment. One Scottish study found that smacked children were twice as likely to have emotional and behavioural problems at age 46 months. A further analysis of research in 2016 reinforced that there is no evidence of any benefit from physical punishment. • Parents require positive, clear and consistent messaging and support with regards to managing children's behaviour. A change in the law would help provide clarity for parents which in our experience many would welcome. • Law reform to abolish all physical punishment of children is an obligation under international law by both European and United Nations human rights monitoring bodies. The proposed Bill would bring Scotland in line with international standards, as articulated in the UN Convention on the Rights of the Child (UNCRC) and implemented in almost all other European countries. • There is good evidence from those countries who have already experienced a change in the law, that legislating to ban the use of physical pain by parents to discipline children is accepted by society and does not result in the increased prosecution of parents, but could potentially result in a decrease in incidence of violent crime and child abuse in the long term. • There is widespread support across Scotland for a change in law. Among those calling for children to be given equal protection are the Police Violence Reduction Unit, the Church of Scotland, Social Work Scotland, Scottish Police Federation, the Royal College of Nursing, the Royal College of Paediatrics and Child Health, and the Scottish Directors of the Public Health Group.

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

• Although the rates of physical punishment have been falling, 56% of Scottish 7 year olds were still reporting experience of smacking in 2012. • Public protection should be rooted in legislation, in order to guarantee rights and entitlements. • We have seen that with other public health issues, such as wearing seatbelts, drink driving and smoking in public places, legislation is required to help institute the whole population attitudinal change that is required. This is about education and awareness raising of the importance of the issue.

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?

- There is strong and consistent evidence that physical punishment has the potential to damage children, risks escalation into physical abuse and is an ineffective way to improve children's behaviour.
- Failure to legislate contravenes international human rights obligations.
- Positive benefits include:
 - Eradication of a cultural legacy which reflects outdated patriarchal societal notions of children as property.
 - Improved outcomes for children as a result of violence free homes.
 - Reduction over time in the levels of violence and aggressions in society.
 - Increasing societal awareness and recognition of children rights.
 - Reductions over time of the need for statutory protection services and increases in the early support and help for families.
 - Less stressed parents who are supported to use positive parenting techniques

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?

Not applicable

Page 11: Financial implications

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

Broadly cost-neutral

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

Any impacts on the on the groups identified in the consultation and research (age, gender, religion or belief and race) are likely to be positive and contribute to respecting the rights of children as rights holders under the United Nations Convention on the Rights of the Child (UNCRC).

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

Not applicable

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?

No Response