

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 If you choose the second or third option, a name is still required, but it will not be published.

Donald Fleming

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

1. Many loving parents, with their children's best interest at heart, will be criminalized; 2. In the process of administrating this legislation, scarce resources will be diverted from tackling genuine cases of child abuse.

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

By the law as it stands at present.

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 would be no advantages.

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?

In this consultation, Mr Finnie says that the law does not offer "children the same protection from assault as adults".

It should, however, be noted that in real terms, loving chastisement cannot be equated with assault.

Furthermore, children are not adults and do not enjoy all adult rights, such as the right to marry, drink alcohol, smoke, etc.

Children are dependent on their parents to teach them right from wrong.

For centuries, a loving smack has been recognized by good and sensible people as an effective way to train a child in the ways of right and wrong.

In law, a child is already protected from assault.

There are no upsides to this proposal, only downsides: families would be intruded upon and parents undermined, while, due to trivial reports being made to social workers, genuine cases of child cruelty will be missed.

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

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

Please explain the reasons for your response

Social workers and the legal system will have to deal with additional trivial reports of loving chastisement as well as genuine cases of child abuse.

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

Most of, or possibly all, of these groups have people who are parents. If they chastise their children by smacking them, they could be negatively impacted.

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

By these proposals not being legislated.

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:

An important part of parenting would be compromised. This would be bad for society. There would be a financial cost (i.e., administering the system). This would be a waste of money.

Page 15: General

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

There is strong public opposition to a smacking ban. According to a 2014 ComRes poll, 65% of adults said it is sometimes necessary for a parent to smack a naughty child. Only 22% disagreed.

In 1979, in Sweden, after a smacking ban was introduced, child abuse rates and child-on-child violence increased.

