

# 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".)

Professional with experience in a relevant subject

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 If you choose the second or third option, a name is still required, but it will not be published.

Child Protection Argyll and Bute 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

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**

The Argyll and Bute Child Protection Committee is fully supportive of the proposal for the following reasons: 1. Corporal punishment of children is a breach of their fundamental rights to be protected from any potential source of potential harm which is either physical or emotional. 2. Physical punishment has a negative impact on children's health and well-being and is not an effective method of disciplining children. 3. Evidence from countries who have banned physical punishment have recorded reduced rates without evidence of increased criminal convictions of parents

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**

A Bill in the Scottish Parliament would ensure clarity of purpose by the social and legal acceptance of corporal punishment of children becoming recognised as an offence rather than a "justifiable assault" which it is considered as currently which is an unacceptable breach of children's rights which can only be corrected by a change in the law. The proposed Bill would give children and young people equal status with adults in terms of protection from assault and bring Scotland into step with other countries within Europe.

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?

If corporal punishment of children is outlawed the main advantage will be clarity and will afford children equal legal status with adults with the removal of the criminal defence for the use of physical punishment and uphold their rights to a greater extent. In certain circumstances, by ending corporal punishment in the home as well as in educational and care facilities this will encourage the use of non violent forms of discipline and the general public can be provided with details on the harmful affects of corporate punishment and the effectiveness of not using corporal punishment as a deterrent.

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?

Cannot identify a specific disadvantage of affording children equal protection from assault as adults in order to create a corporate punishment free zone for children a change in the law is required

## 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 increase in cost

**Please explain the reasons for your response**

The primary purpose of a ban on corporate punishment would be in the protection of children by sending an unambiguous message that hitting children is not permitted in law, aside form awareness raising and

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

public information costs and an investment in parental support and advice programmes the aim would be for children in Scotland to be afforded a clear standard of care giving by parents and care providers not to increase the workload of the COPFS by prosecuting parents, all assaults whether perpetrated against children or adults should be treated equally in determining if an offence has been committed. However the evidence from other countries shows that a ban on physical punishment leads to a decrease in prevalence therefore unlikely to lead to increased prosecutions or associated costs.

## 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**

The social and legal acceptance of the use of corporate punishment of any vulnerable groups should be ended. We would expect a positive impact for the listed groups and it will ensure all Scotland's citizens have equal protection from physical punishment regardless of age, sex, religion, disability and ethnicity.

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

Striking a human being violates their fundamental right to human dignity and physical integrity and should not be condoned in any circumstances. It is difficult to predict if any potential unintended consequences can be mitigated against. Further research into the impact of poor mental health in childhood and adulthood resulting from adverse experiences of physical punishment could be undertaken and published.

## 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:**

Taking practical steps through these proposed legislative measures can achieve the desired impact there is no evidence to suggest disproportionate economic, social or environmental costs as a result of the progression of the Bill.

## Page 15: General

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

The purpose of this legislation is to promote the best interests of the child and is in keeping with the GIRFEC principles of well-being.

Every child has the right to feel safe and protected from any avoidable acts of commission or omission by others that may affect their well-being such as being physically or emotionally harmed in any way.

This Bill is a vitally important step towards improving the lives of children and young people across Scotland by ensuring the necessary legal mechanisms which can be utilised to protect all children and young people from violence.