

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".)

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 If you choose the second or third option, a name is still required, but it will not be published.

Dr Graham Connelly

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 evidence is overwhelming that physical chastisement is not effective as a method of guiding children and reducing the likelihood of harmful or risky behaviour. It is also difficult to distinguish acceptable physical punishment from abuse. While there may be legitimate concerns about potentially criminalising 'mild' physical punishment and parents who have difficulty in using alternative approaches, it is possible to mitigate these concerns by providing support for parents. The prohibition of physical punishment also sets an important tone for Scotland as a society, emphasising both the rights of children to grow up in safety and also our intolerance of physical violence in any context.

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

While many of the aims of the proposal can be achieved by other means, the importance of an Act of Parliament is that it should provide clarity about the intention of legislators and the people they serve. Anything short of full legislation is unlikely to be convincing to international agencies such as the UN who have been critical of Scotland and the UK in relation to our acceptance of a defence of justifiable physical punishment. Measures additional to legislation will be required to help support parents to learn about more effective methods of controlling children without smacking, and to help police, fiscals and sheriffs to consider when prosecution is or is not appropriate.

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 advantage is that equal protection provides clarity in law that children should always be protected from assault. We are steadily moving to a position of acceptance that children have full human rights from birth, rather than acquiring these in adulthood and it seems logical to add the right to avoid assault. Another advantage is that equal protection will provide additional protection to those children who are currently at more risk of experiencing violence from adults.

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 are no disadvantages to children but it is important that parents who currently use physical means of restraint or smack children as a form of control are not criminalised or made to feel inadequate. A change in the law should be an indication of what society believes is acceptable and indicative of the country's general intolerance of violence and of equal rights for children. The Act when it is adopted will need to be accompanied by a range of methods of support for parents.

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

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

The introduction of the Act will need to be accompanied by appropriate publicity and support for parents and professionals.

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 Bill clarifies the rights of all children, irrespective of gender, ethnic background etc. to protection under the law. Adoption of the Bill will further enhance Scottish society in respect of equality of all its people.

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

Yes, by having open conversations and listening to people's fears and concerns and providing access to good information in a range of different ways.

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:

There will be inevitable initial costs, in provision of information and support, but the value to society in future in terms of the reduction in the cost of the consequences of physical abuse, as a result of improved physical and mental health, should make the Bill at least cost neutral.

Page 15: General

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

No Response

