

# 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

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

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 would like this response to be anonymous (the response may be published, but no name)

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 If you choose the second or third option, a name is still required, but it will not be published.

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**

For more than 20 years I have conducted research into violence and child abuse, qualifying as a Clinical Criminologist (I was already a Psychologist) and providing therapy to violent men in prisons or on probation. Both hands-on experience and academic research demonstrate the enormous damage that can be done to children by physical punishment, impacting them for the rest of their lives. For some it validates the use of violence to achieve ends. For others it leads to lives of emotional pain, fear, or lack of self-worth. WAVE has mountains of research which underpins this conclusion - the most telling, that people who physically abuse children do not see it as abuse, but as 'discipline'. Individual ideas of what is 'reasonable' differ terrifyingly. Read NSPCC case reviews. I want to tell a true story. I was smacked as a child, and when I had my three children I smacked them. Mildly, judiciously, fairly, seldom - and convinced it did no lasting harm. One day I came home from work to find my youngest child, Isla, tearing her favourite doll to pieces. I asked her why. She started to cry, and initially she was too frightened to answer, but after I had convinced her I would not punish her (the psychologist in me wanted to understand why), she managed to say, through sobs, 'Because Iona hit me'. I then asked her big sister Iona why she had hit Isla (which she was not permitted to do). She too began to cry; again I had to assure her she would not be punished, I just need to understand why. Eventually, through her crying, she said 'Because Niall hit me'. Niall is my son, and the oldest of the three. At that moment I remembered that I had smacked Niall that morning for some misdemeanour - and assumed that was the end of it. It was not. Its repercussions shot down through the family to the youngest, who only had her doll on which to visit her pain. I never smacked my children again. In my many years in business I have seen the same cascade effect when the boss of an organisation comes in in a bad mood in the morning. We have a greater effect on people, when we inflict humiliation or pain, than we ever realise.

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**

Until the Law clearly states that it is unlawful, and wrong, to hit a child, some parents will do so in a highly damaging manner. I now know, through my years of research into parenting and child development, that there are far more effective ways to influence a child's behaviour than through a smack. If Scotland is to be 'The best place in the world to grow up as a child' how can it be, when almost every nation in Europe has banned smacking, and we have not? I realise the Scottish Government will have to fight the Daily Mail on this issue. The Daily Mail has not signed up to the UN Convention on the Rights of the Child. The UK Governments have. We must begin to deliver on those commitments especially Articles 3, 4 and most of all Article 19: "Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable." We have also signed up to the Sustainable Development Goals. SDG 16 calls for "16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children." SDG 16.2.1 calls for a worldwide reduction in the proportion of children aged 1-17 years who experienced any physical punishment and/or psychological aggression by caregivers. Scotland has an international duty - as well as its duty to its most vulnerable citizens - to contribute to that reduction by following the host of European countries who have banned smacking.

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?

That people who hurt and damage children, and perpetrate physical abuse of children, will no longer be able to hide behind (or convince themselves) that it was justifiable discipline. That, more than anything.

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?

It will contribute to a reduction in child maltreatment.

It will lead to parents seeking to learn better and more effective ways of guiding and disciplining children (and make them more open to approaches to teach them improved parenting practices).

It will position Scotland as one of the civilised European nations.

It will not model for children that 'might is right, so long as you are bigger'.

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?

None.

The extensive and thorough meta-analysis research of Elizabeth Gershoff demonstrates that smacking is not effective, leads to poorer behaviour by the child, and damages relationships between parent and child.

On the contrary, it will lead to an improvement in Scottish parenting practices.

## 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**

Child maltreatment costs the UK £15 billion per year (WAVE can validate this figure - see, for example, the UK Parliamentary Report 'Building Great Britons') - or approximately £1.5 billion p.a. to Scotland. It will lead to a reduction in violence - my prison and probation work demonstrates that.

## 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**

Disabled children suffer higher levels of physical abuse than the average child. The stories from some disabled adults of the physical abuse (labelled punishment) they received as children would bring tears to the eye. Of course their parents were stressed. Knowing it is not permissible would reduce the damage to this especially vulnerable group.

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

I see no negative impact on these groups

## 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?

A plea for courage and leadership from our senior politicians.