

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".)

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 If you choose the second or third option, a name is still required, but it will not be published.

Deirdre Henderson

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

As a qualified and experienced Community Education Worker I have worked with people who have been negatively affected by being legally assaulted in school and at home. Whilst physical punishment has been eradicated from schools, it has not been removed from the domestic setting. The current law for children, who are vulnerable, is inconsistent with the laws that protect older vulnerable people. The wealth of evidence from around the world shows that not only is punishing children through violence ineffective, but it is often counter productive. This punishment is often given in the heat of anger and teaches children that violence is a form of communication. The current law is at odds with the UN Convention of the Rights of the Child. By changing the law to zero tolerance, as was introduced for domestic violence towards adults, it will make it easier for adults in communities to intervene in public spaces and offer support to parents who are struggling to communicate with their children, protecting children from assault. As a parent of two children, I have never felt the need to assault my children, even when they have been more difficult to deal with and, as a tired parent, my patience has been short. Instead, I learned to communicate with my children and try to negotiate with them. This is a better lesson and skill for children to learn to be more socially adept and empathetic towards others.

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

It has to be a legal protection for children or it will be ignored and it will make it difficult for the public, and agencies that protect children, to have a clear understanding of the legal position, and communicate this. It is important to ensure that parents and carers are aware that they will not be incarcerated, but instead be given support to develop better communication skills with their children. It would benefit from greater public discussion based on evidence so that the final law is co-produced with communities, unlike the Named Person Bill which suffered from not being fully formed when presented to parents, creating problems with implementation and trust.

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?

1. Children will have equality with adults in being protected against violence.
2. Parents / carers and children will hopefully have the opportunity to develop better communication skills, which children will then be able to take on into adulthood.
3. Children are less likely to use violence against others at school.
4. Children and their parents / carers will have more positive relationships, supporting the self esteem of children, increasing their chances of meeting their potential.
5. There will be clarity for professionals that protect children, and the public, to reduce violence against children.

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?

1. It is possible that parents / carers may force their children to hide any assault against them for fear of prosecution.
2. If the Bill is seen as introduced through a top down approach, parents / carers, and the public may resist it, and rebel against it, making it more difficult for professionals who protect children to implement the law, even creating mistrust.

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

To enable localised co-production of the Bill, to identify any potential issues with implementation, and build support for the change in law, there will be a cost to spend the time of co-production Community Education / Development professionals to work in communities and with key stakeholders. A second cost is likely to be to support parents and carers who were not parented themselves without violence. Likewise developing better communication skills will be needed for parents and carers who are found to breach the law. At a time where there is a shortage of some key staff such as Social Workers, or capacity within Local Authority Social Work teams <https://www.basw.co.uk/news/article/?id=1477>, this needs to be considered. Whilst Community Education / Development professionals may fill this educational role for parents / carers, it is likely that Social Workers will be required when breaches occur.

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

As long as the law is enacted equally across these groups then it can only have a positive outcome.

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

As long as the Bill is co-produced, none of these protected groups should be negatively affected.

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:

If co-produced, using evidence, and identifying any unexpected negative outcomes to address before becoming a Bill, the Bill should be implemented sustainably. In the long term, by reducing the negative affects on children that the evidence shows from the current legal status of permitted violence against

Q8. Do you consider that the proposed Bill can be delivered sustainably i.e. without having a disproportionate economic, social and/or environmental impact?

children, less funds would be spent on rehabilitating and supporting these children's poor mental health, as they become adults.

Page 15: General

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

No Response