

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 If you choose the second or third option, a name is still required, but it will not be published.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

Partially 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

I am concerned that the interpretation of the bill could be ambiguous in practice. Parents sometimes run out of ideas on ways to protect their children from harming themselves (running into the street without looking) or harming others, e.g. when they feel provoked by other children. Sometimes physical restraint is necessary. Verbal messages may be ineffective. the restraint associated with preventing harm could be interpreted as an assault. I am also concerned about violence and disorder in schools. I have heard teachers say they spend as much as 80% of their teaching time in "classroom management", that is trying to establish sufficient order in the room to enable them to teach and communicate. There was also a recent news report of a situation at a train station where youths were causing real fear to station staff and passengers. It was reported that the station response (a machine that emitted a noise painful to young people) was inappropriate. There was no mention of what would be appropriate. Frequently the effective response to such situations would be multiagency and time consuming. We live in an era when time is at a premium. It is increasingly difficult to contact public bodies such as the council because staff have been cut and only automated services continue. All these considerations give me cause for concern about the way in which these proposals will be implemented in practice.

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

I think the aims of the bill cannot be delivered effectively without a sustained and comprehensive programme of education of parents, teachers and health visitors in effective ways of managing children safely. I would like to see all teachers undertake an additional year of training in adult and child psychology and in specific learning difficulties to equip them to respond appropriately to both children and parents. Specific learning difficulties need to be included since these frequently link to behavioural difficulties. Unless these are properly understood and supported the parents of such children could be criminalised instead of helped. Such conditions can frequently run in families, so the parents may also be struggling with an undiagnosed difficulty.

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 are undoubtedly children who suffer from assault. This ought not to happen.

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?

Ambiguity in implementation.
Lack of support for parents.
Creating a culture of tale telling against parents, for instance when a child suffers an accidental knock causing a bruise, the school suspect a smack and fail to discuss with the parents and the parent then finds social workers knocking at the door and feels judged, stigmatised and humiliated.
Further to my point above I would equally like to see social workers have additional training in child and adult psychology and in specific learning difficulties to enable them to handle these situations more effectively.

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

Unsure

Please explain the reasons for your response

It depends very much on the skill in implementation and support through training and development for all those involved in caring for young people. Effective implementation would generate lot term savings in terms of the health and social adaptation of children as adults. Poor implementation will simply make things worse, especially for teachers and parents who are struggling to retain control in difficult circumstances.

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?

Neutral (neither positive nor negative)

Please explain the reasons for your response

What about poor people, those struggling with insecure work and taking multiple jobs, people with specific learning difficulties? These groups will be affected.

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

It is essential to understand why and when children are smacked and to offer clear and effective alternatives. It is also important to understand why and when children are violent to each other or to adults. This may come from these equalities contexts or from other factors. Without that understanding, the bill can only create another level of fear and anxiety in our society.

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:

But this depends absolutely on the manner of implementation. A bill on its own cannot deliver any benefits and some disbenefits.

Page 15: General

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

The proposal needs to be applied in a whole systems way that recognises that we all live in a context and may encounter violence of any type and in any setting. Unless a whole system approach is adopted and the skills I have mentioned are taught and used well a bill on its own can make things worse, not better.