

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

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 If you choose the second or third option, a name is still required, but it will not be published.

Edinburgh Childrens Partnership

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

In Scotland, the law does not give children the same protection from assault as it gives to adults and we think this is wrong. There is good evidence that use of physical punishment by parents to discipline children is harmful to children and is associated with a range of adverse outcomes including emotional and behavioral problems, anxiety and depression, physical abuse and anti-social behavior and violence in childhood and adulthood This contravenes the rights of children and young people to be protected from avoidable pain(3). We also know that physical punishment of children is ineffective in trying to change the behaviours of children that adults wish to change(2). Hitting children when they behave in a certain way teaches them that violence is an acceptable way to get what you want which is not how we want our children to grow up. Children and parents consistently talk about the negative impact of physical punishment: 82% of young people responding to a Scottish Youth Parliament consultation agree that "All physical assault against children should be illegal" and over 80% of parents in Scotland agree that physical punishment is not effective and look to alternative parenting strategies(3).

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

Whilst rates have been falling, 56% of Scottish 7 year olds were still reporting experience of smacking in 2012.(4) Experience in other areas has shown that legislation is often needed in order to begin the process of change within a country (e.g. seatbelt legislation, smoking in public places). This is an equally important issue to children and should be addressed through supportive legislation. Our intention in supporting this proposal is not to criminalise parents, but legislation such as this can have a significant impact on culture change, making a clear statement as it does, that Scotland fundamentally opposes physical punishment of children. Parents may in sheer frustration and desperation hit their children, which should be responded to with support and advice and coping mechanisms, not with criminalisation. However, this is very different from saying that it's ok to physically assault children. Other countries have already taken steps to introduce a legislative ban and this has resulted in positive outcomes for children and a clear demonstration of their countries commitment to children's rights. In comparison with many of our European neighbours, Scotland falls short in relation to the Children's Rights agenda; something we should prioritise addressing and this legislation would make a significant contribution to that agenda.

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?

This would send out a clear message to children that we recognise the importance of protecting them from harm and that they have equal rights to this protection as adults do

This will contribute to a change in culture which supports mutual respect between adults and children and recognises that children are rights holders and adults are duty bearers of those rights

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A ban on physical punishment of children further reinforces the wider message that violence and abuse are not acceptable in any context, especially where there is an imbalance of power and control.

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Many people think that "hitting" or "hurting" children is wrong, but "smacking" is ok. This legislation would send out a clear message about equality of rights: it isn't acceptable to "smack" an adult, irrespective of whether it hurts, so it shouldn't be acceptable to smack a child

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This will contribute to improvements in the health and wellbeing of children and young people.

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It supports the goal of Scottish Government to ensure that Scotland can be one of the best places for children to grow up.

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.

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

It is accepted that we might initially see the need for investigations into an increased number of reports of physical punishment of children, however, it is very likely that this will decrease quickly as people become more aware of the law and services provide parents with information, advice and support on how to manage things differently. We are hopeful that we would begin to see a significant change in how adults behave towards children which will lead to cost savings in the longer term as the need for some child protection services related to adverse childhood outcomes decrease.

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

Children and young people are currently treated differently to adults, which is discrimination on the grounds of age. This legislation will correct this inequity.

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

No Response

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:

Page 15: General

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

We welcome this proposed Bill which is underpinned by a strong evidence base about how this legislation can address a significant inequity within our country. Many European countries have already taken steps to introduce a legislative ban and it is important that Scotland comes into line with this so that we can fully meet our responsibilities and commitments as signatories to the UN Convention on the Rights of the Child.

We feel strongly that this is about aspiring to a better culture, making Scotland the best place for children to grow up just as we at the Edinburgh Children's Partnership hope Edinburgh becomes one of the most child friendly cities in Europe.

References

1. Heilmann A, Kelly Y, Watt RG. (2015) Equally Protected?: A review of the evidence on the physical punishment of children. London: NSPCC.
2. Gershoff ET. Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review. *Psychological Bulletin*. 2002; 128:539-79.
3. Scottish Youth Parliament (2016). 'Lead The Way' Scottish Youth Party Manifesto 2016 - 2021.
4. Parkes A, Sweeting H, Wight D (2014): Growing Up in Scotland: Family and school influences on children's social and emotional well-being. Edinburgh: Scottish Government.