

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 If you choose the second or third option, a name is still required, but it will not be published.

Beth Crozier

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

It is hard to understand the justification for allowing a parent to strike or threaten to strike a child when the same action against an adult would be, quite rightly, prosecuted. It is our duty as parents to protect our children, and the evidence shows that not only is physical punishment ineffective as a form of discipline, it inflicts real and lasting harm to those who look to us to keep them safe. It is out of step with all of the other progressive Early Years initiatives to give every child in Scotland the best start in life, to nurture and protect our children, to argue that any assault against a child can be justified, not least by the person they rely on for care. In Scotland, we know and promote the importance of attachment and the development of different synapses resulting from either an expectation of either pain or love. It therefore seems impossible that this defence of harm to the most vulnerable can exist. Reference for evidence of ineffectiveness of physical punishment - Equally Protected? A review of the evidence on the physical punishment of children - Anja Heilmann, Yvonne Kelly and Richard G Watt, November 2015

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

This will be a cultural shift, and it will require the Scottish Government to commit to it in the most serious manner, through law. The proposal will need to be supported by messaging to parents and carers, explaining the changes and providing guidance on alternative methods of coping in situations where they would be tempted to strike their child. It is now inconceivable that a child would be struck at school, yet in the 1980s the women who challenged this view were subject to verbal and physical abuse and a campaign of intimidation that impacted upon their children. Changes are resisted even when they are of clear benefit, and a behavioural change of this type would need to be implemented with a clear enforcement possible through law. As with the law to ban physical punishment in schools, it is not about seeking prosecutions using that law, but helping to underline the necessary shift and provide clarity about the seriousness of the move.

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 current defence of 'justifiable assault' allows for a grey area that is hard to define when this becomes more serious, more violent or sustained abuse by a parent or carer. Drawing a line under all physical assault will help to identify where there is abuse of the child – neighbours, family members or friends may be holding back from reporting abuse because they believe it to be the right of the parent to do this. It would clarify what is acceptable and what is not, which will help to support the prosecution where serious harm is inflicted, and underlying that abuse of children is not acceptable.

It would be of enormous benefit to the individual children affected, and also to the parents. Many of the arguments supporting the parental right to strike cite that it would only ever be done in desperation, or tiredness. Parents do not want to hurt their children, but being at the end of your wits should not be a justification. It should be a call for help and we should provide more guidance on how to avoid this, just as other initiatives have successfully done, for example the NSPCC campaign to address non-accidental head injuries in babies.

Other arguments in favour of the parental right to strike claim that it is to ensure the safety of the child, for example if they reach out to a chip pan. This is not an effective way to keep a child safe – you will not find this given as an example by ROSPA. Instead it is more of a reaction by us as adults being angry at ourselves for not having pre-empted the accident or harm. It does not help to educate the child to hit them – the onus is on us as parents and carers to remove the hazards wherever possible. We should work on removing the hazards, not punishing the child who has encountered them.

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?

Absolutely 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?

Broadly cost-neutral

Please explain the reasons for your response

In Scotland there are robust and effective means of delivering and supporting messaging to parents, which could be utilised to explain the changes and help them with better alternatives to using physical discipline. NHS publications such as the Ready Steady suite, the parent club website and many others could all deliver the alternative guidance. There would not necessarily be an increase in prosecutions; the purpose of the law is not to criminalise parents and carers but to change behaviours and to support them to use alternatives. The prosecutions that may result could be those where serious and sustained abuse can be more easily identified and evidenced through removing the uncertainty around the limits of 'justifiable assault'.

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 are over 3 times more likely to be abused than non-disabled children, so increased clarity over the acceptability of physical punishment is likely to proportionately benefit this group more. Reference - NSPCC - <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/physical-abuse/physical-abuse-facts-statistics/>

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:

The systems to deliver guidance and messaging for parents and carers around the bill already exists and is effective at delivering other messaging around giving children the best start in life. Professionals working with children and families are also well positioned to help support the changes and the shift in behaviours. The law will not seek to criminalise parents but to underline a cultural shift, so there should not be a significant increase in prosecutions.

Page 15: General

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

This is the right time to draw a line to define what is unacceptable in the care of children, and make a real commitment to the protection of the some of the most vulnerable and precious in our society. To make Scotland a progressive nation where children really do have the best start in life and where parents are supported to help their children develop to their full potential. It has been more than 40 years since physical punishment was banned in schools so it is time to ensure that children are equally protected in the home, where they should feel the most safe and secure.