

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 If you choose the second or third option, a name is still required, but it will not be published.

Glasgow Council for the Voluntary Sector

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

GCVS and the Citywide Forum firmly support the proposal of giving children equal protection from assault by prohibiting all physical punishment of children. We believe that the law in Scotland must protect children's rights, and be in line with current Scottish Government policy on Getting It Right For Every Child, which underpins practice in ensuring well-being in children. This will only be achieved by removing the legal defence of 'justifiable assault' which currently exists.

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

Prohibiting the physical punishment of children in Scotland by parents cannot be done without reforming the current law. Passing new legislation is the only way real cultural and behavioural change can take place, making it clear to the public that violence towards children has no place in Scottish society.

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?

GCVS and the Citywide Forum believe the main advantages of giving children equal protection from assault by prohibiting all physical punishment of children in law are:

- Children would have the same right to protection from assault as adults.

At present, the law in Scotland allows parents to assault their children for 'the purpose of punishment', with parents able to claim a defence of 'justifiable assault' in court. We believe that child rights, as outlined in the UNCRC, must be at the centre of all work that we do for children in Glasgow, yet the law in Scotland is a barrier to achieving this.

- Scottish society should be one in which children have the same rights as adults, with equal legal protection from assault. It is fundamentally wrong that our children, whose developmental state and small size is known to make them 'particularly vulnerable to physical and psychological injury', are singled out to have less protection from assault.

- Physical, emotional and psychological harm to children would be prevented.

There is an array of evidence which has proven that the physical punishment of children causes a series of negative outcomes on child health and development. For example, Heilmann et al (2015) conducted an in-depth review of international longitudinal research on the impact of physical punishment, finding that childhood punishment resulted in:

- childhood problem behaviour and aggression
- childhood emotional and mental health such as: depression, anxiety, withdrawal and somatic complaints
- erosion of parent-child relationships
- poor childhood social behaviour, cognitive ability and school engagement
- impaired mental and physical health

Further, the evidence found that physical punishment in childhood is related to various negative outcomes in adulthood, namely; aggression/violence, poor mental health and anti-social behaviour.

- Children would be supported and taught by their parents in more effective ways.

Not only does physical punishment of children have negative effects on child health and development, it has been proven to be an ineffective method of behaviour management and parenting. Various studies have shown that there is little evidence that corporal punishment works – it is not effective in improving child behaviour, and often makes it worse.

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?

GCVS and the Citywide Forum know from the vast array of third sector organisations that we represent, who work in family support, that preventing 'authoritarian style' parenting and instead focussing on a positive, supportive and nurturing approach to parenting is highly effective . This kind of approach has been shown to result in improved child-parent relationships and better physical and mental well-being for both the child and parent .

- The law in Scotland would reflect children and parents attitudes.

Arguably one of the most important points to consider in this process is the fact that both children and parents themselves have repeatedly described physical punishment on children as not only wrong , but having various negative outcomes. In a recent consultation with 72,744 young people in Scotland, 82% said all physical assault against children should be illegal . Parents agree, with recent research finding parents felt physical punishment is not effective . If the majority of parents and children in Scotland believe the physical punishment of children is unjust and ineffective, then there is no reason for such a law to exist.

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?

GCVS and the Citywide Forum do not believe there are any disadvantages of giving children equal protection from assault, for the reasons stated in Question 3.

Page 11: Financial implications

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

Significant reduction in cost

Please explain the reasons for your response

Although there may be initial costs in relation to legal reform processes, public communications and support needed for parents and families, we believe that giving children equal protection from assault would, over time, see a significant reduction in costs for Scotland. A commitment to an early intervention, rather than prevention, approach will provide huge savings financially. The cost of the variety of services often needed to help and support adults and young people who were physically punished or abused in childhood, outweighs that of preventing the physical harm taking place in the first instance. As mentioned above, a vast array of evidence exists which identifies various effects that physical punishment in childhood has on individuals in later life, such as poor mental and physical health, and violent behaviour and aggression, all of which often require expensive intervention services.

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

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?

Please explain the reasons for your response

We believe that all children, no matter their race, disability, sex, gender, age, religion or belief, should be given the same protection from assault as adults. All children in Scotland must be protected, with their human rights met - no matter who they are.

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

N/A

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?

The Scottish Government has stated that they want Scotland to be 'the best place in the world for children to grow up'. This will only happen if the physical punishment of children by parents is banned. If we want to be a society who protects its children's rights, health and development, we cannot permit the physical punishment of the youngest, smallest, most vulnerable members of society. The international evidence is clear, and we must follow the example of our European and International counterparts by committing to our International Human Rights obligations and protecting Scotland's children.