

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 If you choose the second or third option, a name is still required, but it will not be published.

Douglas Hamilton

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 opposed

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

The wording of this question is highly specious. It is worded, as is standard practice in such 'consultations', to produce a one sided outcome. As an aside, if the Scottish Government were truly interested in protecting the welfare of children, they would be investing more resources into preserving the lives of these children who never have a chance to be born into our society, but whose lives are summarily ended in the womb, without any reference to their protection or their rights. Irrespective of the above, I am fully opposed as the measures proposed would instantly criminalise parents who want to exercise loving discipline in its proper context, and would also be impossible to police in any meaningful way. Police Scotland and social work resources are already overstretched; introducing such measures as in the bill, would divert their attention from real cases of abuse (which are sadly all too common) and produce an expectation which is impossible to fulfil. It is a window dressing measure which will produce no benefit in terms of reduction to harm to children.

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

Current law does not need to be altered in any way. It needs to be upheld through better resourcing and training of public sector staff who have to deliver it.

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?

None - children already have protection from assault under existing legislation. To introduce a new law along the lines of the one intended will deliver no meaningful benefit. And to categorise (for example) a smack on the hand in the correct context, as 'assault', is fatuous in the extreme.

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?

There are several of these which I have attempted to summarise here:

A loving framework of parental care includes discipline. Whilst smacking should not be a last resort, it should be the choice of the parents on whether to exercise this, not the state. The bill would remove the freedom of parents throughout Scotland to use this when needed. My children are now adults, but both of them were raised in this way and would testify to the necessary boundaries that were set for them as a result

The consultation states that the law does not offer 'children the same protection from assault as adults'. This is true. Adults do not have their lives summarily terminated by medical staff without consultation, as is the case of the unborn child. It would be gratifying to see the Scottish Government addressing this issue by giving the unborn child the same degree of protection to life as an adult, but I will not be holding my breath in anticipation.

However, the rights of the living child are not and should not be the same as those of adults. Children depend on their parents to teach them right from wrong and smacking should be part of this framework of loving parental discipline.

As previously stated in another answer, this would be an impossible law to enforce, would deliver no

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?

benefit of any significance, and would detract staff who have to deal with child abuse cases from their primary tasks.

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 increase in cost

Please explain the reasons for your response

The Bill would produce significant 'waste' in our social and police services, which should be instantly apparent. It will lead to demoralisation of staff and increased turnover, training etc.

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?

Negative

Please explain the reasons for your response

Any parents in these groups would be impacted negatively by this Bill

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

Yes - by dropping this Bill and retaining existing legislation, which does not need to be altered.

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?

No

Please explain the reasons for your response:

Any objective assessment of this Bill would reveal that it will have negative impacts in all of these areas

Page 15: General

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

Yes - drop it immediately.

There is no public appetite for this. It suggests politicians meddling with issues that they have no real right to intrude on (loving discipline within the family) whilst our core services in Scotland - Police, Health, Social Care, Education - are crumbling.

Smacking is NOT child abuse. To equate them is a false premise.