

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 If you choose the second or third option, a name is still required, but it will not be published.

University of St Andrews, School of Medicine's WHO Collaborative Centre for International Child and Adolescent Health Policy and the Child and Adolescent Health Research Unit

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

**Please explain the reasons for your response**

The bill would recognise children as integral actors of society and afford them the same protection as adults from assault. In addition, it stops condoning physical violence as a form of discipline, turning instead to providing more support for alternative disciplinary measures and more positive parenting in Scotland. The bill would also bring Scotland in policy alignment with international human right agreements like the UNCRC (specifically Article 19), development agendas like the SDGs (#16.2 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children, 16.2.1), as well as health frameworks established by the WHO Regional Office for Europe like the European Child and Adolescent Health Strategy (2015-2020) (see Priority: Reducing exposure to violence and shifting societal approaches from criminal justice to preventive and therapeutic services) and its European Child Maltreatment Plan (2015-2020) (specifically Objective #2 - Strengthen governance for the prevention of child maltreatment through partnerships and multisectoral action by developing national plans: corporal punishment has still not been banned in all settings in half the countries in the Region. | Objective 3. Reduce risks for child maltreatment and its consequences through prevention by strengthening health systems in Member States). The legislation would additionally be politically attractive, especially within a European context, since the UK is one of only six EU members (Belgium, Czech Republic, France, Italy, Slovakia and the UK) that are without a full prohibition on the physical punishment of children. We, through the Health Behaviour in School-aged Children study, led by our colleague Dr. Jo Inchley, will be working in the coming year with the Principal Investigators of the aforementioned countries to advocate regionally and within their countries for a full prohibition of corporal punishment. Finally, but no less importantly, as academics and researchers in the area of violence, we believe that the scientific evidence in support for the ban exists and is ready for public scrutiny, both in terms of the lifecourse effects within families and for the victims, as well as the ineffectiveness of physical punishment as a disciplinary method. We believe that we have finally come to the point where science, policy and politics are coming to an alignment in favour of movement to ban corporal punishment of children in Scotland.

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 gives unequivocal guidance, at the highest possible level, against physical punishment of children.

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?

Affords equal rights for our youngest members of society (the rights of a parent are no defence for assaulting a child.); bans a potentially dangerous practice that has consequences across the lifecourse in terms of victimisation and perpetration of child maltreatment, as well as other forms of domestic, community and self-directed violence; brings Scotland in line with the majority of EU countries that already ban physical punishment but also with the UNCRC's calls since 1995 to the UK government to prioritise the prohibition of the use of corporal punishment.

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**

In the short-term there will be increased costs (through implementation, e.g. public education campaigns, training for relevant professionals, service provision), but we would expect the measure to start paying for itself in the medium term as attitudinal changes take place. In the long-term, especially for the generation of children protected by this bill, we would expect significant cost reductions to society (e.g. cycle of violence, behaviour and attainment in school, adolescent risk behaviour, criminal behaviour).

## 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**

We should note that degree of impact for these groups will be different, as they are differentially exposed to child maltreatment and thus are associated with different degrees of vulnerability. However, the bill would send a strong signal that inequalities will not be tolerated.

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

There is a potential negative impact if the ban is not applied equally across these groups.

## 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?

Scotland should take the lead to advocate for the total ban across the UK. Additionally, this bill empowers relevant professionals (e.g. educators, medical staff, police) to raise the issue of corporal punishment with parents and assert change that way - for example if they see examples of corporal punishment they would have the law of the land behind them to bring this up to suggest alternative disciplinary ways.