

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 If you choose the second or third option, a name is still required, but it will not be published.

Homeless Action Scotland

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

Homeless Action Scotland is fully supportive of the proposal to prohibit all forms of physical punishment of children. Our strong view is that children should be more protected than adults, not less, from physical violence, whether it occurs in the home or in the wider world.

We strongly endorse the evidence based Equally Protected? Report commissioned by the Children and Young People's Commissioner Scotland, Children 1st, Barnardo's Scotland and NSPCC Scotland and published in 2015. While we are broadly supportive of the findings of the report and children's rights based approach taken throughout, our comments for this consultation will be restricted to our area of expertise around homelessness. There are strong links between adverse childhood experiences, including physical abuse and potentially including traumatic physical punishment, and homelessness later in life, as evidenced below. For this reason Homeless Action Scotland strongly supports the move to offer children equal protection from assault.

The foreword of Equally Protected? states:

'The international evidence could not be any clearer – physical punishment has the potential to damage children and carries the risk of escalation into physical abuse.'

Throughout the report, there are key messages that are relevant to a consideration of the link between adverse childhood experiences and youth and adult homelessness. Some of these are highlighted below:

- Other negative outcomes that were shown to be related to physical punishment are parent-child conflict, adult mental illness and adult substance abuse.
- Physical punishment is among a range of important risk factors for child physical abuse.
- The evidence for an association between physical punishment and child maltreatment or abuse is consistent and supported by all studies that examined it.
- The use of legally permissible forms of physical punishment has been linked to increased risks for parental use of severe physical violence, injury requiring medical attention during the first year of life, and household involvement with Child Protective Services.

The evidence suggests a strong association between physical punishment and parent-child conflict, physical abuse and child maltreatment. These potentially all fall within the definition of Adverse Childhood Experiences (ACEs). ACEs are stressful and traumatic experiences that occur during childhood that directly harm a child or affect their home environment. ACEs can include verbal, physical and sexual abuse directed at the child or can be things that affect the child's household including domestic abuse, mental illness, substance abuse or adult incarceration. Experiencing ACEs has been linked to a wide variety of long term health harming behaviour and illnesses.

There is strong evidence that there are links between adverse childhood experiences, including physical abuse, and the risk of adult and youth homelessness. The causal link between adverse childhood experiences and homelessness was first established by a 1997 American study. The study found that 'the combination of lack of care and either physical or sexual abuse during childhood [was] associated with a dramatically elevated risk of adult homelessness. In addition, both lack of care and physical abuse, when considered alone, were associated with highly significant increases in the risk of homelessness.'

All children have the right to life, survival and development and the right to be protected from all forms of violence. Governments, including the Scottish Government, are bound to take all available measures to make sure that the rights of children are respected, protected and fulfilled. The links between physical punishment and ACEs, and the links between ACEs and homelessness in later life, are strong enough that Homeless Action Scotland fully supports the proposal of giving children equal protection from assault by prohibiting all physical punishment of children.

A fully referenced copy of this response will be available at:
<https://www.homelessactionsotland.org.uk/consultations-reports>

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

Homeless Action Scotland believes that it is appropriate to seek to achieve the aim of equal protection from assault for children through legislation as the justifiable assault defence to the crime of assault is not only a common law remnant but is built into our legislative system through the Criminal Justice (Scotland) Act 2003. If the aim of the Bill is to seek long term attitudinal change, and it is widely accepted that this change is desirable, it would be perverse to choose to leave the defence in legislation while spending public money on changing attitudes and practices. There are also issues around ensuring legal certainty when social attitudes and practices outstrip our legislative framework.

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?

No Response

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?

No Response

Page 11: Financial implications

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

No Response

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?

No Response

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?

No Response

Page 15: General

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

No Response