

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 would like this response to be anonymous (the response may be published, but no name)

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 If you choose the second or third option, a name is still required, but it will not be published.

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

This is a loaded question. Children already have "equal protection from assault" - laws against assault apply to everyone. This type of hyperbolic language is very unhelpful. A gentle smack which is over in a split second is not "assault" and it is disingenuous to suggest that the intention here is to protect children from something from which they already enjoy protection. The vast majority of parents are loving and responsible; so why can they not be trusted to parent their children as THEY see fit? It is true that a small minority of parents, sadly, are neither loving nor responsible; however a law such as this would not protect their children. What these children need is professional intervention. Turning loving parents into criminals and making THEM the subject of interventions will mean that resources and staff are spread even more thinly, and I am alarmed at the potential consequences of this well-intentioned but flawed legislation for genuinely vulnerable children. We have recently seen a number of tragic cases where children suffering abuse were failed by the professionals. This was due in part to negligence resulting from heavy workloads and a lack of resources. THESE are the children you need to focus on and these are the parents you need to go after. This proposed law would not have protected these children and instead would have made it even less likely that they could have been saved. I personally don't agree with physical chastisement on very young children or on older children who could feel humiliated by it. However pre-school age children are not always capable of listening to reasoned arguments and a quick smack (not on bare skin) can certainly be effective as a last resort if a child is persisting in behaviour that could endanger themselves or others -e.g. Trying to run onto a road, climbing somewhere where they've been told not to, etc. When out in public I have seen parents shouting in young children's faces; surely that is more damaging to a child than a quick smack which is over in a split second. I know what I would have preferred as a child. I was very occasionally smacked as a child and I have always enjoyed a great relationship with my parents. I never had any doubt that my parent loved me. If I had been beaten my attitude would be different, and children certainly do need to be protected from this. However a smack and a beating are not the same thing and years later I can't even remember any of the times when I was smacked although I know it did happen. I myself am a good parent and my child is loved, cherished and nurtured. Please stop trying to interfere in families' lives. As an aside, I believe that protecting the rights of Scotland's own citizens is more important than the way we are perceived abroad and being seen as the most "progressive" country. "Labelling a policy "progressive" doesn't automatically make it right, and it shouldn't matter what other countries are doing; just because they have passed bad legislation doesn't mean that we should. Please leave families alone and stop trying to control our lives.

Q2. Could the aims of the proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

Yes (if so, please explain below)

Please explain the reasons for your response

As I said in the previous answer, more resources to intervene in the lives of children who are at genuine risk. If parents are willing to break the current law by assaulting their children, then a law such as this is not going to stop them.

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 are not adults. Many things apply to them that do not apply to adults and adults have the rights to many things that children do not have the right to. There is a reason for this; children and adults are not the same! If children had all of the same rights as adults there would be a lot of children in danger right now.

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?

Again, this is a loaded question. Who doesn't want to protect children from assault?! This infers that everybody who doesn't agree with this Bill wants children to be assaulted. I'll say it again - a light smack as a form of discipline is not the same as assault! To answer the question (leaving out the loaded part):

1. Loving parents criminalised
2. Resources more thinly-spread, thus leaving genuinely vulnerable children at increased risk.
3. Interfering in the lives of families
4. Lack of trust in parents, the majority of whom are loving and responsible - parents feel under attack.
5. Interfering in religions freedom - many Christian parents discipline their children along Biblical lines. The Bible says that chastisement is done out of love.

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

This Bill would create many more "criminals" so more money and resources would be needed in order to deal with them. Families with no previous dealings with Social Services would potentially become the subjects of intervention, leaving fewer staff and resources to go round, without significant additional investment.

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

As explained before, this would have an impact on freedom to follow one's religion. I don't see other groups being disproportionately affected.

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

I think negative impact could be avoided by rejecting this Bill. Failing that, authorities could actually work with and listen to the concerns of people of faith and try to understand their point of view, instead of just dismissing them.

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:

See previous answer.

Page 15: General

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

I think I made all of my points in previous answers. I would like to add that I DO understand that, as with the Named Person Scheme, this bill was borne of good intentions, and that I share Mr Finneie's desire to protect children. I simply don't believe that this flawed bill will achieve that end.