

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 If you choose the second or third option, a name is still required, but it will not be published.

Lloyds TSB Foundation for 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

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

Background

Lloyds TSB Foundation for Scotland (the Foundation) is an independent charitable trust. For 30 years the Foundation has contributed to improving the lives of individuals and communities experiencing disadvantage. Its mission is to make a difference to the lives of individuals and communities in Scotland, by encouraging positive change, opportunities, fairness and growth of aspirations, which improve quality of life.

The Foundation is committed to promoting the rights of children and young people and works with individuals, communities and charities to help them fulfil their full potential. This includes preventative approaches that will support young people to be safe and supported and reduce the risks associated with emotional and physical distress and neglect.

The Foundation's Chief Executive was one of the first to sign up as an Unfeartie committing to listening to children, to view children as capable and an asset to their communities, to strive to ensure children's voices are heard, to promote greater awareness and understanding of children's rights and to challenge infringements of children's human dignity.

Children's Rights

Advances in policy and legislation in Scotland in relation to children's rights over the last few years are to be commended, in particular the use of Children's Rights Impact Assessments (CRIAs) on legislation since 2015, duties on Ministers in Part 1 of the Children and Young People (Scotland) Act 2014 to "keep under consideration whether there are steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements", and the placing of GIRFEC on a statutory footing in order to create a more consistent national approach to improving outcomes for children and young people. However the existence of the defence of 'justifiable assault' of children is an anomaly to the rest of this progressive legislation. Scotland and indeed the rest of the UK are out of step with our European neighbours and the rest of the world. Globally 52 states have legally prohibited the physical punishment of children in all settings, the UK is one of only 4 EU Member States to have not prohibited physical punishment or committed to legal reform.

The current law in Scotland around physical punishment of children is incompatible with a number of Human Rights treaties including the United Nations Convention on the Rights of the Child (UNCRC). As noted in a recent article by the new Children and Young People's Commissioner for Scotland Bruce Adamson:

"The United Nations, the Council of Europe, and the European Union have repeatedly called on Scotland to honour its international human rights commitments to provide children with protection from assault, but successive Governments have failed to do so"

This Bill provides the perfect opportunity to remedy this and finally ensure that we are fulfilling our human rights obligations towards our children.

Working with children, young people, families

The Foundation's PDI (Partnership Drugs Initiative) grant-making programme is focused on the needs of children and young people. It is a joint programme between the Foundation, the Scottish Government and The Robertson Trust which, since, 2001 when it was devised, has made almost 300 grants to awarded around £25 million to almost 100 organisations across Scotland working directly with families affected by substance.

PDI places significant importance on the rights of children and young people with this commitment ensuring the voices of children and young people are heard in the application process, which includes a Young People's Group that contribute to assessing all applications.

In June 2016, the Foundation launched Everyone Has a Story, an action learning programme. The need for the programme was identified as part of the Foundation's approach to better understanding geographic and thematic gaps, one of these being further insight into hearing the views of children and young people whose parents are in recovery from drugs and alcohol. The programme was delivered through working closely with practitioners, young people, academics and policymakers.

The findings from Everyone Has a Story resulted in 50 recommendations to ensure the voices and experiences of children and young people are heard in how the Foundation provides support at all levels.

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?

Fundamental to the findings and the recommendations was the importance of the rights of children and young people. The proposed Equal Protection Bill recognises the rights of the child and young person are human rights and as with Everyone Has a Story acknowledges that children and young people should feel supported, and have positive adult role models and support that helps them to understand their situation and how to grow and develop.

In the Bill there is an acknowledgement of the need for awareness, education and where appropriate parenting support to implement any changes to the law that will both be impactful on children and young people and their families. The Foundation welcomes this acknowledgement and the recognition that in some instances family and parenting support will be a necessary to support a transition. To achieve this the Bill and any future legislation must expand on the aspect of parenting support. There should be more recognition and account for the family support that will be delivered by charities.

Charities and third sector organisations are often the easier route to help families and parents as there is less fear on interventions from statutory providers such as the police. Positive outcomes can be achieved which will be in the best interest of the child and family. In the year-ending March 2017 PDI 40% of the 93 parents who had been supported by eight funded groups had reported increased confidence in their parenting. This will require time, supportive space and the development of relationships with the family. This will also require a shift in commissioning, planning and budgeting for service provision to more preventative approaches that give the space to work with parents to help improve behaviours and relationships with the children.

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

In the Bill there is an acknowledgement of the need for awareness, education and where appropriate parenting support to implement any changes to the law that will both be impactful on children and young people and their families. The Foundation welcomes this acknowledgement and the recognition that in some instances family and parenting support will be a necessary to support a transition. To achieve this the Bill and any future legislation must expand on the aspect of parenting support. There should be more recognition and account for the family support that will be delivered by charities. Charities and third sector organisations are often the easier route to help families and parents as there is less fear on interventions from statutory providers such as the police. Positive outcomes can be achieved which will be in the best interest of the child and family. In the year-ending March 2017 PDI 40% of the 93 parents who had been supported by eight funded groups had reported increased confidence in their parenting. This will require time, supportive space and the development of relationships with the family. This will also require a shift in commissioning, planning and budgeting for service provision to more preventative approaches that give the space to work with parents to help improve behaviours and relationships with the 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?

The Foundation's PDI (Partnership Drugs Initiative) grant-making programme is focused on the needs of children and young people. It is a joint programme between the Foundation, the Scottish Government and The Robertson Trust which, since, 2001 when it was devised, has made almost 300 grants to awarded around £25 million to almost 100 organisations across Scotland working directly with families affected by substance.

PDI places significant importance on the rights of children and young people with this commitment ensuring the voices of children and young people are heard in the application process, which includes a Young People's Group that contribute to assessing all applications.

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?

In June 2016, the Foundation launched Everyone Has a Story, an action learning programme. The need for the programme was identified as part of the Foundation's approach to better understanding geographic and thematic gaps, one of these being further insight into hearing the views of children and young people whose parents are in recovery from drugs and alcohol. The programme was delivered through working closely with practitioners, young people, academics and policymakers.

The findings from Everyone Has a Story resulted in 50 recommendations to ensure the voices and experiences of children and young people are heard in how the Foundation provides support at all levels. Fundamental to the findings and the recommendations was the importance of the rights of children and young people. The proposed Equal Protection Bill recognises the rights of the child and young person are human rights and as with Everyone Has a Story acknowledges that children and young people should feel supported, and have positive adult role models and support that helps them to understand their situation and how to grow and develop.

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?

Some increase in cost

Please explain the reasons for your response

Charities and third sector organisations are often the easier route to help families and parents as there is less fear on interventions from statutory providers such as the police. Positive outcomes can be achieved which will be in the best interest of the child and family. In the year-ending March 2017 PDI 40% of the 93 parents who had been supported by eight funded groups had reported increased confidence in their parenting. This will require time, supportive space and the development of relationships with the family. This will also require a shift in commissioning, planning and budgeting for service provision to more preventative approaches that give the space to work with parents to help improve behaviours and relationships with the children.

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

Children's Rights aligned to human rights Advances in policy and legislation in Scotland in relation to children's rights over the last few years are to be commended, in particular the use of Children's Rights

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?

Impact Assessments (CRIAs) on legislation since 2015, duties on Ministers in Part 1 of the Children and Young People (Scotland) Act 2014 to "keep under consideration whether there are steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements" , and the placing of GIRFEC on a statutory footing in order to create a more consistent national approach to improving outcomes for children and young people. However the existence of the defence of 'justifiable assault' of children is an anomaly to the rest of this progressive legislation. Scotland and indeed the rest of the UK are out of step with our European neighbours and the rest of the world. Globally 52 states have legally prohibited the physical punishment of children in all settings, the UK is one of only 4 EU Member States to have not prohibited physical punishment or committed to legal reform. The current law in Scotland around physical punishment of children is incompatible with a number of Human Rights treaties including the United Nations Convention on the Rights of the Child (UNCRC). As noted in a recent article by the new Children and Young People's Commissioner for Scotland Bruce Adamson: "The United Nations, the Council of Europe, and the European Union have repeatedly called on Scotland to honour its international human rights commitments to provide children with protection from assault, but successive Governments have failed to do so" This Bill provides the perfect opportunity to remedy this and finally ensure that we are fulfilling our human rights obligations towards our children.

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?

Yes

Please explain the reasons for your response:

In the Bill there is an acknowledgement of the need for awareness, education and where appropriate parenting support to implement any changes to the law that will both be impactful on children and young people and their families. The Foundation welcomes this acknowledgement and the recognition that in some instances family and parenting support will be a necessary to support a transition. To achieve this the Bill and any future legislation must expand on the aspect of parenting support. There should be more recognition and account for the family support that will be delivered by charities. The Bill has the potential to contribute to the findings from the Christie Commission and preventative agenda, where charities and third sector organisations are often the easier route to help families and parents as there is less fear on interventions from statutory providers such as the police. Positive outcomes can be achieved which will be in the best interest of the child and family. In the year-ending March 2017 PDI 40% of the 93 parents who had been supported by eight funded groups had reported increased confidence in their parenting. This will require time, supportive space and the development of relationships with the family. This will also require a shift in commissioning, planning and budgeting for service provision to more preventative approaches that give the space to work with parents to help improve behaviours and relationships with the children.

Page 15: General

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

No Response