

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 If you choose the second or third option, a name is still required, but it will not be published.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

Politicians should not be imposing their personal views on parenting on others and legislating to criminalise how parents bring up their children. "Equal protection" for children is neither relevant or desirable. Children are not adults and should not be treated the same way as adults under the law. Parents, not the state are, and should be, the primary decision makers in a child's upbringing, except in the most extreme circumstances. Physical punishment of children is not assault. This bill seeks to conflate appropriate and normal discipline and punishment of children by loving parents with abuse by using loaded language and pretending a smack is "assault", which it clearly is not. It seeks to criminalise normal parenting. Most significantly, it seeks to remove the rights of parents to decide how they bring up their children. The evidence to suggest smacking is harmful is also highly dubious, considering the vast majority of adults in this country and around the world were smacked as children and show no evidence of harm from it. Suggesting it might be harmful in some cases does not stand up as a reason to ban it, as almost anything in parenting can be harmful in some cases - that is why it is up to a parent to decide what is appropriate for their child. It's hard to imagine how a tap over the hand or on the nappy of a toddler is going to scar them for life, whereas letting them run out of control with no boundaries or yelling at them repeatedly in anger will not, yet no one is suggesting banning shouting at your children or failing to set appropriate boundaries. If some children's charities or politicians really believe there is a problem with smacking they should run a campaign explaining why this is the case and encouraging parents not to. Even if I did agree with the premise that parents should not smack children, I cannot see how overloading the police, the courts and child protection system by seeking to give normal parents a criminal record that will affect their relationship with their children, their employment opportunities and their ability to have contact with vulnerable people in future is any way either helpful or proportionate. This may be well meant, but it is poor, poor legislation that has no place in a free and liberal country.

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 mentioned in the previous comments, persuasion not legislation would be a more appropriate way of dealing with the issue, if you believe it is one. A behaviour change campaign explaining reasons not to smack children and alternatives would be much more effective than seeking to criminalise normal parents.

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 at all. In theory you might think it would be easier to prosecute people for abuse by classing all physical punishment as abuse, but unless you're planning to treat someone who slapped their child once the same way you treat a person who has starved, beaten, broken bones of or otherwise seriously abused a child to the risk of their life, you'll still have the same issue as now in having to differentiate between actual abuse cases and normal parenting, only with a system even more overloaded than it already is in dealing with all these minor cases of smacking.

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?

Removing parental rights to decide how to bring up their children.
Criminalising normal, non-abusive parents.
Banning a form of discipline that is appropriate and helpful in the right circumstances and has been widely used throughout the world to positive effect.
Overloading the police, the courts and social services with lots of very minor and unnecessary cases

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?

when they are already struggling to cope with supporting parents who are really struggling and dealing with cases of actual, serious abuse and neglect.

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

The majority of parents in this country have smacked their children, some because they believe it is the right way to bring up a child and others because they have lost their temper at some point. Even assuming the legislation is in some way effective at reducing numbers of parents smacking children, it won't stop it. If you are planning to follow through on the legislation and prosecute every parent who smacks their child from now on, there will certainly be a cost to this.

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

It is discriminatory against faith groups who believe smacking is an appropriate and necessary form of discipline for bringing up children, which would include many evangelical Christians.

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

No

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

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Please explain the reasons for your response:

See previous comments about burden on social services and societal impact of state interference in parenting

Page 15: General

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

Drop it altogether. There is no need to change from what we have currently.