

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

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

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 If you choose the second or third option, a name is still required, but it will not be published.

NHS Orkney

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?

Partially supportive

Please explain the reasons for your response

The legitimate aspiration of leading society towards the elimination of physical chastisement is evidenced in this paper, though it is noted that much of the evidence put forward emanates from campaign groups with an explicit pre-existing position on the issues discussed. The evidence resonates with the report commissioned by the NSPCC Scotland, Children 1st, Barnardo's Scotland and the Children and Young People's Commissioner Scotland, in November 2015, relating to a review of the evidence on the physical punishment of children, whereby it was recommended that all physical punishment of children should be prohibited by law. It is our view that in moving toward this aspiration, cognizance needs to be taken of the extent to which physical chastisement appears to be embedded in our society's cultural norms for the majority of the population. It should also be noted that the law as it currently stands effectively prohibits all but the very lowest range of potentially harmful behaviours and appears to enjoy support and consent amongst a majority population. We therefore suggest that the move to change the law must be accompanied by safeguards to ensure that only proportionate, positive reinforcement methods are pursued in response to reported transgressions of matters than, until this change, would not have been captured in a legal framework. To this end, it is possible, explicit safeguards against a "first response" of recourse to the criminal law should be incorporated, from the outset.

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

No

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?

- Reduction of risk of escalation
- Support for parents in formulating responses to behavioural challenges that do not resort to physical chastisement
- Setting norms for future parenting approaches amongst the current generation of children

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?

- Risk of prosecution (likely to include a risk of up custody in current Scottish criminal legal system) being disproportionate in its outcome to the objective level of harm inflicted in some cases
- Risk of enforcement action being used disproportionately among sectors of society already disadvantaged by poverty and limited education
- Risk of undermining confidence of parents who have used physical chastisement, exaggerating sense of failure

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 positive reinforcement options for transgressing parents will require additional resources in terms of staffing relating to parenting support/programmes - There is likely to be a significant increase in the number of initial Child Protection referrals requiring initial assessment by statutory agencies

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?

Neutral (neither positive nor negative)

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

Page 15: General

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

No Response