

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 If you choose the second or third option, a name is still required, but it will not be published.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

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

There is good evidence that use of physical punishment to discipline children is associated with a range of adverse outcomes, including a detrimental impact on mental and emotional health and wellbeing, which can last into adulthood. Evidence would also suggest that use of physical punishment to discipline children is ineffective. It contravenes children's rights in terms of protection from avoidable pain.

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

Legislation has shown to be effective in other areas where large scale cultural, social and behavioural change is required e.g. smoking in public places, seatbelt legislation.

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 in the adverse impact on the health and wellbeing of children and young people.
- Protection of children's rights.
- Sends a clear message that violence of any kind is not acceptable
- Reduction in the need for a range of statutory services in the longer term - e.g. child protection, mental health, addictions, criminal justice

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?

None

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 reduction in cost

Please explain the reasons for your response

Some reduction in cost in the longer term. In the short-medium term there may be an increased demand on police and child protection services to investigate reported incidents of child physical punishment (although it is reported that this did not lead to increased prosecution in other countries). If the benefits listed above are realised, this is likely to result in a longer term reduction in cost (although this will need to be quantified). However, in the immediate period, there is a need to consider investment in parenting and family support, to ensure parents are proactively supported to manage their children's behaviour without the

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use of physical punishment. Sixty five percent of children themselves express the view that there should be help for parents in terms of alternatives to physical punishment.

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

This legislation will address the existing age-based inequality by offering children and young people the same protection from assault as adults. Readily available and quality parenting support will protect pregnancy and maternity by supporting new, as well as existing parents, to develop parenting skills - benefitting parents regardless of race, sex, disability, family structure or religious background.

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?

It would be helpful to have further clarity on the investment required to deliver adequate parenting support at a local level to ensure an educative and facilitative rather than punitive approach to achieving positive parenting discipline.

The bill is at risk of underestimating what is required to support families who are struggling. There is a real need not to criminalize offending parents, They need to be adequately supported therefore the spirit of the bill must convey this. Reassuringly in other countries that have gone down this route, increased reporting was observed yet there was no increase in prosecutions. If increased reporting occurs those

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

families should receive parenting support. Therapeutic parenting is required.

There needs to be some thought given to particularly challenging behaviours in children and how to manage them. These children may be more likely to be within the adopted/fostered/looked after group so this group should receive special consideration. There may be parents who feel that 'safe physical restraint' is the only option they have. Very specialist support needs to be available. There is a need to consider who would provide this and how it will be resourced.