

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 If you choose the second or third option, a name is still required, but it will not be published.

East Renfrewshire Child Protection Committee

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

- The evidence base around the use of physical chastisement strongly suggests that there is a correlation between the use of such and negative outcomes for children; including increased aggressive and anti-social behaviour, anxiety in children as well as links to poor mental health in later life. - There is particular concern around specific groups of children, notably those with behavioural difficulties. Indeed, in such instances, the use of physical chastisement is described to exasperate negative behaviours and the issue becoming cyclical. Thus parents, could be making behaviours worse due to a lack of understanding. Legislation would then offer further protection to already vulnerable groups of children. - Views around the use of physical chastisement as a form of disciplining children have significantly changed in society. Research now highlights that parents are employing this form of discipline less and that when it is used, parents do not feel it is effective. - Moreover, parents tell us that the use of physical chastisement can leave little more than feelings of guilt. - The use of physical chastisement can often be employed at times when a parent is feeling under increasing pressure and stress levels are high. This is naturally when a loss of control is most likely. - Whilst the use of physical chastisement does not lead to abuse in the vast majority of cases, the evidence suggests that physical abuse habitually begins with its use, with punishments increasing in intensity over time. - The continued use of physical chastisement, when parents themselves report that it is not effective, is an indication of parents feeling they have a lack of alternatives, particularly when they are at their most under pressure. Instead parents require a clear message around acceptable forms of discipline and education/support as to how to achieve this. - Professionals in the field of child care, health, education and protection services require clear guidance around physical chastisement. The current term 'reasonable chastisement' leaves room for personal interpretation and unclear definitions from those supporting parents. - Article 19 of the UNCRC makes it clear that children and young people have the basic human right to dignity. This means they have the right to be protected from violence, just like everybody else. Scotland is not meeting its obligations to the convention with current legislation. - With a focus on education over prosecution, supported by a strong information campaign will allow for cultural change without prosecution of parents. - The use of physical chastisement as 'justifiable assault' does not support the guiding principles of the Scottish Governments GIRFEC approach, which highlights the necessity for intervening early to avoid difficulties later in life, and the principles that all children should be protected from harm at home, respected and given opportunity to attain the highest standards of mental health.

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

- The value of legislation in respect of this matter has proven to be a powerful tool in creating change. Even in countries without public support, there is evidence to suggest that with a good quality public awareness campaigns, legislation assists in changing public attitudes and accelerates the decline in the use of physical punishment. - Other pieces of legislation (smoking in public places, wearing seatbelts), and accompanied awareness campaigns, have significantly impacted on public attitude. - An educational rather than a prosecution aim will have benefits for both children (detailed in response to Q1) and parents (allowing parents to employ more effective forms of discipline, avoids the feelings of guilt associated with physical punishment). - Despite rates of physical chastisement falling, one third of parents in Scotland reported smacking their child in 2012. - Legislation in prohibiting the use of physical chastisement would meet our obligations to the United Nations Conventions on the Rights of the Child.

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?

- Living in homes free from violence can lead to improved outcomes and a decrease in the adverse effects of physical chastisement on children (as described in Q1).

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?

- A reduction in overall levels of violence and aggression in society.
- A heightening of recognition of children's rights. Moving away from the notion of children as property in Scotland.
- This legislation is supportive of the Scottish Government's approach to early intervention, allowing services to support parents to choose effective, violence free forms of chastisement, avoiding referrals to child protection services.
- The use of positive parenting techniques will reduce the levels of stress and feeling of guilt in parents currently using forms of physical chastisement.
- Legislation would provide clarity for both parents and services, avoiding the confusing terms of 'reasonable chastisement' and 'justifiable assault', which is open to interpretation.

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?

If properly resourced, in terms of both awareness raising and supporting parents with forms of positive parenting techniques, there would be no lasting disadvantages to this legislation. Instead, parents would be offered a clear legal position, that physical chastisement of a child is unacceptable, moving away from the ambiguous 'reasonable chastisement' description currently in place. There are however some considerations to be made;

An educational approach, which avoids the criminalisation of parents, together with the correctly resourced supports and awareness raising, would over time reduce the use of physical chastisement. Without the overarching goal of working alongside parents rather than criminalizing them, the legislation may cause further harm, adding additional pressures to family life.

The detrimental effects of emotional harm should not be overlooked when considering the impact of this legislation. Parents often turn to physical chastisement as a quick response to behaviour. It is often not thought through and takes place there and then. Removing this response may lead to the increased use of more verbal/emotionally harmful responses to behaviour from parents. Support/education will be required to avoid this.

The definition of physical punishment and associated thresholds will naturally be raised and need to be clear within the legislation and associated guidance.

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

Significant increase in cost (Initially) There would be an anticipated significant increase in cost, at least initially, in order to provide resources to promote the change in the law and ensure investment into additional supports for parents in relation to more effective parenting strategies. An anticipated increase in referrals in relation to physical punishment, as the public become more aware of the legislation, perhaps giving confidence to make reports, will also require resourcing. A good quality awareness campaign, coupled with resourced support will in the longer term create reductions in costs, the hope here is that parents will have been supported to employ more positive violence free forms of chastisement for their children, leading to a lower referral rate for child protection services. An additional long term reduction in cost may also be achieved with the reduction in the adverse outcomes for children associated with the use

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

of physical punishment, thus leading to a reduction in the need for publically funded support services. Some increase in cost (Overall)

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 current age based inequality, offering children the same protection against assault as adults. In addition to this it will also assist in providing better protection for children who are younger, male and/or have behavioural difficulties, and are more likely to suffer physical punishment from a parent.

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?

East Renfrewshire's Child protection Committee supports the proposed Bill. Recognising that Scotland is somewhat behind both our European Counterparts and other countries around the world by allowing our children to suffer the effects of physical punishment as a means of discipline, however light, from their parents. As well as failing to meet our obligations to the UNCRC. Our statement around disadvantages however stresses the importance of how the legislation is supported in order to achieve its overall goal of providing children with equal rights, without causing other forms of harm or criminalizing parents.