

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 If you choose the second or third option, a name is still required, but it will not be published.

Orkney Islands Council

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

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 legitimate aspiration of leading society towards elimination of physical chastisement has been coherently argued in this paper, though it may be noted that some of the evidence put forward emanates from campaign groups with an explicit pre-existing position on the issues discussed. The language used, even in this questionnaire, such as "giving children equal protection" does not appear to pass the test of objective dispassionate impartiality. It is our view that in moving toward this aspiration, cognizance needs to be taken of the extent to which physical chastisement has been embedded in our society's cultural norms for the majority of the population for effectively all of known recorded history. 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 of the public. 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 that, until this change, would not have been captured in a legal framework. To this end, if 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 to more harmful levels of punishment
- 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 increased use of 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

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

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

Please explain the reasons for your response

- The positive reinforcement options for parents who are reported to have transgressed will require additional resources - 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?

Unsure

Page 15: General

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

No Response