

# 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

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

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 If you choose the second or third option, a name is still required, but it will not be published.

Royal College of Paediatrics and Child Health

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 RCPCH is committed to the principles and articles in the UN Convention on the Rights of the Child and wants to see all children given equal protection from all forms of violence. It is not legally justifiable in Scotland to hit a spouse, an elderly relative, an adult with disability, or indeed adults with no particular vulnerability. We consider condoning the hitting of defenceless children to be an unacceptable legal anachronism. The RCPCH is concerned that the four UK Nations have been so slow to heed the calls of the UN Committee on the Rights of the Child and follow the example of 50 other countries that have banned the physical punishment of children outright. We hope that once Scotland has led the way, other UK nations will follow. Children learn by example: they mimic behaviour modelled by adults. Hitting or using violence against children models that they should expect to dominate, or be dominated, through physical violence. There is now very extensive evidence that children who experience hitting as a form of physical punishment are at increased risk of developing 'externalising' aggressive and antisocial behaviours themselves, and also at risk of developing 'internalising' behaviours such as anxiety, depression and problems with self-esteem. Individuals may observe that "being smacked never did me any harm". The fact that some escape harm is no argument for failing to protect the many that do not, given that there is no evidence of any significant benefit from the use of hitting as a form of discipline. For example, in the Growing Up in Scotland study, researchers found that 20.4% of two year olds without behaviour problems had been smacked. They followed the children through to the age of four, and found that those who were reported by their main carer to have been smacked at two were more than twice as likely to display emotional and behavioural difficulties at four as those who had not. There is extensive research and experience from countries that have legislated to fully protect their children from physical punishment. The RCPCH is frustrated that without this legal protection the wellbeing of our child population will continue to be at risk. The proposed Bill is directly relevant to the RCPCH State of Child Health call to 'ensure children and young people are educated to understand respectful relationships.'

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**

Paediatricians continue in daily practice to encounter parents/carers who are unaware of the evidence relating to the use of physical punishment. For example, a parent may say of a young toddler with learning disability: "I bit him back so he knows what it feels like," unaware that what they are actually modelling is for the child to continue to bite. Surveys estimate that approximately half Scottish preschool/primary school age children experience physical punishment. There is good evidence that legislation works to change attitudes at a population level. For years, paediatricians counselled individual families about the risks to child health of exposure to second hand smoke, with no detectable beneficial impact. After legislation to ban smoking in public places across Scotland, rates of child asthma admissions fell by as much as 18% in a year, having been climbing prior to the ban. Rates of prematurity, low birthweight and stillbirth also dropped after the UK smoking bans. Legislators should be excited by the potential they have to create such large scale improvements in population health and wellbeing in circumstances where individual clinicians are relatively impotent. Having a legal framework which categorically states that assaulting a child can be 'justifiable' is hampering those who work with children and families from delivering clear, evidence-based advice. It is important that a campaign of information and support for parents/carers takes place to support the implementation of equal legal protection.

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?

- Children are safeguarded
- Fewer children suffering unnecessary pain and humiliation
- A gradual change in population attitudes toward physical punishment of children, with steadily more people considering it unacceptable

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?

- To demonstrate to today's children (tomorrow's parents) that children are valued and respected by our society
- Empowerment of those who can disseminate knowledge and skills in nurturing discipline in children without the use of violence
- Reduced rates of both externalising (aggressive, antisocial) and internalising (anxiety, low self-esteem) behaviours in children, and in due course adults
- Reduced demands on services that support children/young people with behavioural/conduct difficulties as above
- Fewer child protection cases that are due to escalation of physical punishment

Given that physical punishment of children is still so common in Scotland, the impact of equal protection legislation is likely to be significant.

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?

The RCPCH can see no justifiable argument for continuing to allow children to be hit.

## Page 11: Financial implications

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

Broadly cost-neutral

### **Please explain the reasons for your response**

The main financial implication in the short term would be investment in a campaign to communicate the change in legislation about equal protection and information and support for parents to discipline their children without the use of physical punishment. In the long term it is important to have continuing support and advice available for parents and carers, but the reduction in demand on services that support/manage children, young people (and, in the longer term, adults) with emotional, behavioural and conduct difficulties is likely to result in very considerable savings overall in the future.

## 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**

The current legal position is incontrovertibly discriminatory in terms of age. A child can be 'justifiably' assaulted until they become an adult, at which point they are legally protected. Regarding those with disability, we recall the public outrage when it was discovered that adults with learning disability were being hit at Winterbourne View private hospital, and note that until the day they reached adulthood, those

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same individuals could 'justifiably' or 'reasonably' be hit, given the current state of legislation in each of the four UK administrations

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

The RCPCH would not anticipate a negative impact on any protected group.

## 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

**Please explain the reasons for your response:**

Yes, the RCPCH considers that the proposed bill can be delivered sustainably.

## Page 15: General

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

Given our professional duty to protect and improve child well-being, and our links to paediatrician colleagues in the many nations that have already experienced the benefit to their child populations of introducing Equal Protection, we are keen to provide whatever support we can to increase the chances of success in equally protecting Scotland's children as soon as possible. Delays in the progress of the proposed Bill will result in prolonging risk exposure in children who need protection.