

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 If you choose the second or third option, a name is still required, but it will not be published.

Aberdeen City 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?

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

Law reform to abolish all physical punishment of children is an obligation under international law by both European and United Nations human rights monitoring bodies. The proposed Bill would bring Scotland in line with international standards as articulated in the UN Convention on the Rights of the Children (UNCRC) and implemented in almost all other European countries. The UK is one of only four countries yet to commit to legal reform on physical punishment. The current Scottish position contravenes the rights of children and young people to be protected from avoidable pain. This is in direct opposition to Articles 3 and 8 of the UNCRC, which most recently, the Scottish Government in the Children and Young People (Scotland) Act 2014 committed public bodies to take steps "to secure better or further effect within its areas of responsibility on the UNCRC requirements".

There is compelling evidence for a change to the legislation:

Children in Scotland do not enjoy the same legal protection from assault as adults.

Children themselves tell us that they believe that it shouldn't be acceptable for a child to be physically punished. The Scottish Youth Parliament note that 82% of children and young people aged 12 – 25 overwhelmingly support a change in legislation and agreed that "all physical assault against children should be illegal".

In 2002, a meta-analysis highlighted the many negative outcomes of physical punishment including poor mental health and increased aggression in childhood and adulthood. Since this time, evidence has continued to highlight the risks between physical punishment and a range of poor outcomes for children . One Scottish study found that smacked children were twice as likely to have emotional and behavioural problems at age 46 months . A further meta-analysis of research in 2016 reinforced that there is no real evidence that there is any benefit to physical punishment .

Studies have also shown that whilst this issue does not relate to class and is evident across society, the issue disproportionately affects some children more than others . Children who are younger and male children are more likely to be physically punished. We note in particular that the higher incidence of younger children being physically punished is at odds with the limited cognitive ability of the young child to understand and make sense of the experience.

As professionals, many of whom are also parents, we recognise that the times when a child is physically punished are likely to be the times when parents are most stressed. Most often, parents are reacting to a frightening situation and/or desperately attempting to get a child to cease a behaviour. As such, there is always the potential for a loss of control and for the situation to escalate, which no parent would want to happen.

From our experience, most parents know and regret that in those moments, beyond it being a frightening experience, they also give a message to children that it is okay to use hitting and violence to respond to a situation. Additionally, parents are increasingly aware that hitting or smacking doesn't work . Negative reinforcement isn't effective as a long term strategy as it isn't successful in internalizing those values and behaviours which the parent is trying to encourage.

Parents require positive, clear and consistent messaging and support with regards to managing children's behaviour. A change in the law would help provide clarity for parents which in our experience many would welcome. Currently social workers and other professionals working with families are limited to giving general advice based on the 2003 Criminal Justice (Scotland) Act, which can leave parents feeling unsure not only as to what's legal but what they should do. This position is not consistent with statements made in recent Scottish Government policy including the National Performance Framework Outcomes which states:

"our children have the best start in life and are ready to succeed";

the Equally Safe Strategy which promotes

"creating a strong and flourishing Scotland where all individuals are equally safe and respected"; and

the current National Parenting Strategy which endorses

"providing a positive role model, setting appropriate boundaries and applying them consistently, all of

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?

which is integral to a secure, safe and nurturing home environment. This also helps children learn what's acceptable behaviour and what's not, how to get along with people and how to resolve differences in an appropriate way..".

There is good evidence from those countries who have already experienced a change in the law, that legislating to ban the use of physical pain by parents to discipline children is accepted by society and does not result in the increased prosecution of parents , but could potentially result in a decrease in incidence of violent crime and child abuse in the long term⁴.

There is widespread support across Scotland for a change in law. Among those calling for children to be given equal protection are the Police Violence Reduction Unit, the Church of Scotland, Social Work Scotland, Scottish Police Federation, the Royal College of Nursing, the Royal College of Paediatrics and Child Health, and the Scottish Directors of the Public Health Group.

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

Although the rates of physical punishment have been falling, 56% of Scottish 7 year olds were still reporting experience of smacking in 2012. We are aware that, as we have seen with other public health issues such as wearing seatbelts, drink driving and smoking in public places, legislation is required to help institute the whole population attitudinal change that is required. This is about education and awareness raising of the importance of the issue.

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?

- Eradication of a cultural legacy which reflects outdated patriarchal societal notions of children as property.
- Improved outcomes for children as a result of violence free homes
- Reduction over time in the levels of violence and aggressions in society.
- Increasing societal awareness and recognition of children rights
- Reductions over time of the need for statutory protection services and increases in the early support and help for families
- Less stressed parents who are supported to use positive parenting techniques

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.

We would not be taking anything away from parents, rather we would be giving them clarity about the legal position and a range of positive parenting supports.

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

Some increase in cost We anticipate that in the short term, some increase in resourcing would be required to highlight the change in law, invest in promoting and reaffirming positive parenting supports for parents and in the provision of good quality family support. Some reduction in cost However, in the longer term, the reductions in violence overall coupled with parents feeling more confident in using positive parenting techniques and more aware of supports should they need them, may mean some reduction in the need for statutory protection services.

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 Bill would address the current age based prejudicial position of children and young people. It would in particular offer better protection for those children who (as previously noted) are younger and/ or male and who are more likely to experience physical punishment.

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

Care needs to be taken to ensure that a change in legislation does not stigmatise parents, particularly those with little or no access to resources. In addition, any awareness raising needs to target and ensure that this reflects the needs of not only female, but male parents and those others with caring responsibilities for children.

In taking forward any Bill, there requires to be an overall presumption of support rather than criminalising parents.

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?

We welcome this proposed Bill, recognising that Scotland is not only out of step with countries around the world, but increasingly (and noting the recent announcement in Wales to bring in legislation) is in the minority of countries in Europe who are continuing to allow archaic rights to prevail over the robust body of evidence which indicates that physical punishment is harmful to children.