Equalities and Human Rights Committee
Children (Equal Protection from Assault) (Scotland) Bill
Meeting in a Box Responses

1. From December 2018 to March 2019, the Committee invited responses to a “Meeting in a Box”. The “Meeting in a Box” contained information and tools for members of the public to host a meeting in a community setting and gather views on the Bill. The kit was available to download on the website, or in hard copy by contacting the Committee clerks.

2. Ten responses were received. One came from the National Parenting Forum covering 26 members from 25 local authorities. Nine responses came from schools. Approximately 260 students participated, ranging in age from P5 to S6.

3. The following is a brief summary of responses. Classes and groups discussed the Bill in the format that most suited them, so not all responses are in the same format or focus on the same questions. The full responses are available on the Committee’s website (Visits and Events).

Responses from Schools

Support for the Bill

4. Of those who responded directly to the question of whether they supported the Bill, 127 did, 47 opposed it, and 20 were unsure.

School Responses

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<thead>
<tr>
<th>Support</th>
<th>Oppose</th>
<th>Unsure</th>
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<tr>
<td>66%</td>
<td>24%</td>
<td>10%</td>
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5. Reasons given by students for supporting the Bill included:

- Support for the aim to stop physical harm of children
- Children would feel safer
- It’s not okay to hit
- Hitting and violence is always wrong
- There can be long-term consequences for children
There are better ways to discipline
- It can lead to a cycle of violence
- Children will grow up thinking violence is the norm
- Some parents might take it too far
- Children should feel safe in the presence of their parents
- It will have a positive impact on domestic violence figures
- Punishments should not have physical pain

6. Reasons given by students for opposing the Bill included:
- Children are more likely to respond when punishment gives them a fright
- Verbal punishment is not strong enough, especially if behaviour is unsafe
- Gives a clear indication that parents have authority
- Discipline is a parental right and government shouldn’t interfere
- Children learn that there are consequences to their actions
- Physical punishment is effective
- Children may threaten to make false claims against their parents
- Non-verbal children will understand this form of punishment
- Emotional/verbal abuse will increase which can have a larger impact on long term mental health
- Provides a higher layer of punishment, above verbal, which is sometimes needed
- Children will be more resilient

7. Comments given by students who were unsure included:
- The Bill would be difficult to enforce
- Parents might feel caught between how to discipline child and not wanting to break the law
- What can replace violence as higher than verbal punishment but that also remains lawful?
- Will it really stop certain adults from abusing children?
- Some situations, like warning or keeping a child safe from danger, may be unclear

Additional impact on groups

8. Some mentioned an impact on disabled children, commenting that “disabled children may be less likely to respond to verbal punishment” and “Restraining could be confused with abuse and vice versa”.

9. Most agreed parents, children, teachers and police would be most impacted. One group noted a potential impact on lower socio-economic groups, and called for improved parenting classes, training and childcare. Many mentioned an additional impact on people from other cultures where physical punishment might be more common.
Human rights

10. Some pupils thought children should have the same rights as parents/adults. Others thought that it was impossible to class a child and an adult as the same “as they have a different understanding of the world”. One group mentioned that not passing the Bill would create a perception that children are not equal citizens, contravening Article 1 of the UNCRC. They also considered the Bill could impact on Article 5.

National Parent Forum of Scotland Response

11. The National Parent Forum of Scotland (NPFS) is a volunteer led organisation working in partnership with national and local government and other organisations involved in education and child wellbeing. The NPFS supports the Bill, but wrote “We recognise that we can never represent 100% of parents in Scotland so we have tried to summarise any concerns as they were expressed to us.”

Support for the Bill

12. The NPFS response stated the parents involved “overwhelmingly” thought children should have the same legal protection from assault as adults. Reasons given included:

- there needs to be a legal basis that prevents physical punishment
- the government has a duty to ensure children are protected from physical punishment

13. Concerns raised by parents included:

- unclear what the term ‘reasonable chastisement’ meant and sought more clarity
- questions whether legislation could change culture and if so, how quickly
- disagreement on whether some physical punishment of children would be classed as assault (e.g. physical restraint from danger) and would prefer that the term ‘reasonable chastisement’ is revisited.
- whilst supportive of the intent of this Bill, wondered if legislation is necessary.

14. Some parents recounted negative childhood experiences that led them to be very supportive of the legislation while others felt their parents were vindicated in smacking them and that it had not had a long-lasting impact; these parents were less in favour of legislation.

Other comments

15. Some parents would like the Bill to also include verbal abuse as “every child deserves to feel safe and loved if they are to prosper in life”.
16. Parents also noted that, whilst it is on the decline, they regularly witness physical punishment in their areas.

17. Smacking often results from anger or stress and it may be very difficult for parents to unlearn without extensive support.

18. All parents felt the Scottish Government had a duty to ensure parents are better educated about the Bill and parenting options. The current law should be better communicated, as well as any changes. An awareness raising campaign should set out evidence in a clear and accessible way, so parents understand the long-term impact of physical punishment. Children should be educated on “what is ‘normal’ chastisement and what is not. The current introduction of notion of consent into the curriculum could incorporate this.”

19. Parents agreed that, with or without the legislation, there is a need for more parenting classes and the promotion of good mental, emotional, social and physical wellbeing which could be taught at antenatal classes and included in baby boxes, as well as through health visitors and schools.

**Additional impact on groups**

20. The NPFS identified parents, social work professionals, the police and court system as potentially being impacted by the Bill.

21. They also noted a potential additional impact on families new to Scotland, from countries where physical chastisement is more commonplace.

**Human rights**

22. Many parents pointed out that physical punishment constitutes a violation of children’s human rights. Protection from physical punishment in all settings, including in the family home, is a basic human right of every child and is enshrined in international human rights law.