Equalities and Human Rights Committee  
Children (Equal Protection from Assault)  
Sherbrooke Mosspark Church, Pollokshields  
Messy Church  
Tuesday 25 February 2019

Attending
Mary Fee MSP  
Annie Wells MSP

Purpose of the visit
The purpose of the visit was to speak to a group of parents, grandparents and carers about the proposed Children (Equal Protection from Assault) (Scotland) Bill. Messy Church is a Christian (multi-denominational) church based movement which encourages worship and learning through fun family orientated activities in an informal church setting. Messy Church meetings are held in the evenings and at weekends outside formal churches services (i.e. Sunday 11am).

There were around 7-8 parents, carers and grandparents in attendance. The group consisted of a wide range of backgrounds and with a good age range and gender balance.

Discussion
Themes arising from the discussion with parents and grandparents:

Overview
- Members advised that according to the documents supporting the Bill the aim of Bill is to protect children - not to criminalise parents
- Members explained that the law currently provided for protection against assault of a child through, for example, shaking or hitting with an implement
- The need for a Bill was questioned, what it the weakness in the legislation as it stands? What was the driver behind the Bill?

Definitions
- There was a lack of clarity about the current legal definition of ‘reasonable chastisement’
- When does ‘restraint' become ‘assault’?

Restraint vs. Assault
- Where do we draw the line between restraint and assault? There was broad agreement that this needed to be clarified to protect teachers / youth workers. Mary Fee MSP indicated she would seek to ask formal witnesses about this.
- One attendee (a teacher working with children with ASN’s) expressed concern about how they would be regarded in cases where they require to exercise the
‘calm restraint’ technique - because the children are either a danger to themselves or others. Would these teachers be subject to prosecution under the new law?

**Bill Title**
- There was some discussion as to the title of the Bill. Is it too heavy handed – “assault” is perhaps too inflammatory? Current title suggests there is no currently protection from assault for children.
- MSPs were asked to consider an alternative title for the Bill.

**Alternatives to the Bill**
- A view was expressed that the new law wouldn’t protect children from child abuse – although it might protect some from a smack.
- “Societal change can’t be brought about by an Act of Parliament; it requires education and support”.
- Could we help parents who need more support to prevent them from doing this rather than a Bill?
- Suggestion that the Bill was “a blunt instrument”.
- There was some feeling that there’s no need for the Bill. (“Sensible people aren’t going to assault their children” …)

**Enforcement**
- How was the Bill going to be enforced?
- Doubts that every situation could be covered.
- Danger of too many trivial complaints – risking more urgent child abuse cases being overlooked.

**Other Issues**
- Concerns were expressed that the law could be used as a ‘weapon’ in a messy divorce where estranged partners accuse one another of historical assault.
- There could be a danger that some children would use the law against their parents/carers/grandparents
- One attendee stressed the importance of the Committee seeking views from a range of socio-demographic sources.