



Glasgow
Council
for the
Voluntary
Sector



GCVS response to MSP John Finnie's proposal for a Bill to give children equal protection from assault by prohibiting the physical punishment of children by parents and others caring for or in charge of children

August 2017

Glasgow Council for the Voluntary Sector (GCVS) has nearly 650 members, and is recognised by the Scottish Government as the core partner in the Glasgow Third Sector Interface, with responsibility for providing a wide range of development support and technical services to voluntary and community organisations across the city.

The GCVS 'Everyone's Children' project gives support to Third Sector organisations in Glasgow that provide services to children, young people and families. The project is funded by the Scottish Government and works in partnership with statutory partners and the Third Sector. Everyone's Children facilitate a Children, Young People and Families Citywide Forum – a strong co-ordinated voice for third sector organisations providing services to: children, young people and their families and/or carers in Glasgow. This response has been jointly written alongside the Citywide Forum steering group.

GCVS, Everyone's Children and the Citywide Forum are pleased to respond to MSP John Finnie's proposal for a Bill to give children equal protection from assault by prohibiting the physical punishment of children.

Aim and approach

1. 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
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

GCVS and the Citywide Forum firmly support the proposal of giving children equal protection from assault by prohibiting all physical punishment of children. We believe that the law in Scotland must protect children's rights, and be in line with current

Scottish Government policy on Getting It Right For Every Child, which underpins practice in ensuring well-being in children¹. This will only be achieved by removing the legal defence of 'justifiable assault' which currently exists.

2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

- Yes (if so, please explain below)
 No
 Unsure

Please explain the reasons for your response.

Prohibiting the physical punishment of children in Scotland by parents cannot be done without reforming the current law. Passing new legislation is the only way real cultural and behavioural change can take place, making it clear to the public that violence towards children has no place in Scottish society.

3. 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?

GCVS and the Citywide Forum believe the main advantages of giving children equal protection from assault by prohibiting all physical punishment of children in law are:

Children would have the same right to protection from assault as adults.

At present, the law in Scotland allows parents to assault their children for 'the purpose of punishment', with parents able to claim a defence of 'justifiable assault' in court². We believe that child rights, as outlined in the UNCRC³, must be at the centre of all work that we do for children in Glasgow, yet the law in Scotland is a barrier to achieving this.

Scottish society should be one in which children have the same rights as adults, with equal legal protection from assault. It is fundamentally wrong that our children, whose developmental state and small size is known to make them 'particularly vulnerable to physical and psychological injury', are singled out to have less protection from assault⁴.

Physical, emotional and psychological harm to children would be prevented.

There is an array of evidence which has proven that the physical punishment of

¹ <http://www.gov.scot/Topics/People/Young-People/gettingitright/wellbeing>

² B Adamson, 'Children's rights and physical punishment', (2017)
<http://www.journalonline.co.uk/Preview/1023499.aspx#.WXCAKITyu72>

³ 'Convention on the Rights of the Child', <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁴ (Children and corporal punishment: "the right not to be hit, also a children's right" CommDH/IssuePaper(2006)11). The Council of Europe's Commissioner for human rights.

children causes a series of negative outcomes on child health and development. For example, Heilmann et al (2015) conducted an in-depth review of international longitudinal research on the impact of physical punishment, finding that childhood punishment resulted in:

- childhood problem behaviour and aggression
- childhood emotional and mental health such as: depression, anxiety, withdrawal and somatic complaints
- erosion of parent-child relationships
- poor childhood social behaviour, cognitive ability and school engagement
- impaired mental and physical health

Further, the evidence found that physical punishment in childhood is related to various negative outcomes in adulthood, namely; aggression/violence, poor mental health and anti-social behaviour.

Children would be supported and taught by their parents in more effective ways.

Not only does physical punishment of children have negative effects on child health and development, it has been proven to be an ineffective method of behaviour management and parenting. Various studies have shown that there is little evidence that corporal punishment works – it is not effective in improving child behaviour, and often makes it worse⁵.

GCVS and the Citywide Forum know from the vast array of third sector organisations that we represent, who work in family support, that preventing ‘authoritarian style’ parenting and instead focussing on a positive, supportive and nurturing approach to parenting is highly effective⁶. This kind of approach has been shown to result in improved child-parent relationships and better physical and mental wellbeing for both the child and parent⁷.

The law in Scotland would reflect children and parents attitudes.

Arguably one of the most important points to consider in this process is the fact that both children and parents themselves have repeatedly described physical punishment on children as not only wrong⁸, but having various negative outcomes. In

⁵ Heilmann, A., Kelly, Y. and Watt, G.R. ‘Equally Protected? A review of the evidence on the physical punishment of children’, (2015), ‘Spanking and Child Development: We Know Enough Now To Stop Hitting Our Children’, Gershoff, E.T., (2013).

⁶ ‘Tough Love’, Barnardo’s, 2011 http://www.barnardos.org.uk/tough_love_report_2011.pdf

⁷ ‘Tough Love’, Barnardo’s, 2011 http://www.barnardos.org.uk/tough_love_report_2011.pdf, ‘Positive Parenting’, Parenting Across Scotland, 2017, <http://www.parentingacrossscotland.org/info-for-families/resources/positive-parenting-nspcc/>

⁸ ‘Unjustifiable Assault’, The Children’s Parliament, <http://www.childrensparliament.org.uk/unjustifiable-assault/>

a recent consultation with 72,744 young people in Scotland, 82% said all physical assault against children should be illegal⁹. Parents agree, with recent research finding parents felt physical punishment is not effective¹⁰. If the majority of parents and children in Scotland believe the physical punishment of children is unjust and ineffective, then there is no reason for such a law to exist.

4. 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?

GCVS and the Citywide Forum do not believe there are any disadvantages of giving children equal protection from assault, for the reasons stated in Question 3.

Financial implications

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

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Please explain the reasons for your response.

Although there may be initial costs in terms of legal reform processes, public communications and support needed for parents and families, we believe that giving children equal protection from assault would, over time, see a significant reduction in costs for Scotland.

A commitment to an early intervention, rather than prevention, approach will provide huge savings financially. The cost of the variety of services often needed to help and support adults and young people who were physically punished or abused in childhood, completely outweighs that of preventing the physical harm taking place in the first instance. As mentioned above, a vast array of evidence exists which identifies various effects that physical punishment in childhood has on individuals in later life, such as poor mental and physical health, violent behaviour and aggression – all of which often require expensive intervention services.

⁹ Scottish Youth Parliament, Scottish Youth Parliament Manifesto 2016 – 2021, 'Lead the Way', p11, https://d3n8a8pro7vhmx.cloudfront.net/scottishyouthparliament/pages/283/attachments/original/1457781662/Lead_The_Way_Manifesto.pdf?1457781662

¹⁰ Together Scotland, 'Equal Protection from Assault Briefing 2017', http://www.togetherscotland.org.uk/pdfs/Member%20briefing%20on%20Equal%20Protection_final.pdf

Equalities

6. What overall impact is the proposed Bill likely to have for the following protected groups (under the Equality Act): race, disability, sex, gender reassignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity)?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response (if you are of the view that there will be different overall impacts for different groups please specify in your comments)

We believe that all children, no matter their race, disability, sex, gender, age, religion or belief, should be given the same protection from assault as adults. All children in Scotland must be protected, with their human rights met - no matter who they are.

7. If you believe there is a negative impact in what ways could any negative impact of the Bill on any of the protected groups be minimised or avoided?

N/A

Sustainability of the proposal

8. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

- Yes
- No
- Unsure

General

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

The Scottish Government has stated that they want Scotland to be 'the best place in the world for children to grow up'¹¹. This will only happen if the physical punishment of children by parents is banned. If we want to be a society who protects its children's rights, health and development, we cannot permit the physical punishment of the youngest, smallest, most vulnerable members of society. The international evidence is clear, and we must follow the example of our European and International counterparts by committing to our International Human Rights obligations and

¹¹ <http://www.gov.scot/Topics/People/Young-People/early-years>

protecting Scotland's children.