



About Parenting across Scotland

Parenting across Scotland is a partnership of family charities working together to put a focus on issues affecting families in Scotland. The partners are Aberlour; Children in Scotland; Contact; Families Outside; One Parent Families Scotland; Relationships Scotland; Scottish Adoption; and Scottish Families Affected by Drugs and Alcohol.

Children (Equal Protection from Assault) (Scotland) Bill

January 2019

Do you support the Bill's aim to end the physical punishment of children by parents or carers? It will do this by abolishing the defence of reasonable chastisement. Please provide an explanation for your response. What groups would be impacted by the change (for example, parents, children, public services, the legal profession, etc)?

Parenting across Scotland and its partners fully support this change in the law. It seems unfathomable to us that in Scotland the most vulnerable members of our society have less protection from assault than its stronger and more powerful members. Where there is no defence in Scots Law for assaulting an adult, there is a defence for assaulting a child – it is time that children were afforded the same protection under the law as adults.

As stated in our consultation response to the proposed Member's Bill, we support the Bill for the following reasons:

1. Currently Scotland is not meeting its obligations under the UNCRC
2. Robust international evidence shows that physical punishment of children is harmful
3. Evidence on parenting is that physical punishment of children is not effective and that warm authoritative parenting is most effective
4. Parents themselves do not believe that physical punishment is effective, and, at least, as importantly nor do children
5. Informed support from professional bodies

1. Currently Scotland is not meeting its obligations under the UNCRC

The United Kingdom has ratified the United Nations Convention on the Rights of the Child (UNCRC) and consequently has obligations under international law to uphold its provisions. Article 19 of the UNCRC requires states to take:

“all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.

The United Kingdom and Scotland are now among the increasingly small number of countries who have ratified the UNCRC but where physical punishment of children remains legal. The UN has repeatedly called on the United Kingdom and its member states to outlaw physical punishment of children and has criticised it for not doing so.

It is hard to see how Scotland can make any claim of progress towards its aspiration to be 'the best place in the world to grow up' while children do not have equal protection from assault under the law.

2. Robust international evidence shows that physical punishment of children is harmful

A systematic review of the international evidence on physical punishment commissioned by Barnardo's, Children 1st, the NSPCC and the Children and Young People's Commissioner for Scotland, Equally Protected, showed that physical punishment is detrimental to children's outcomes. It found evidence that there is a link between physical punishment and problem behaviour and aggression in childhood, and that physical punishment carries the risk of escalating into more serious physical abuse and maltreatment. As well as being related to an increased risk of child maltreatment and abuse, it increases aggression, antisocial behaviour, depression and anxiety in children. Furthermore the review linked physical punishment in childhood to physical and verbal aggression in adult relationships.

Sir Michael Marmot, Director of the UCL Institute of Health Equity stated in the introduction:

"This review has presented very strong and consistent evidence of the harmful effects of physical punishment on children and their families. The international evidence could not be any clearer - physical punishment has the potential to damage children and carries the potential to damage children and carries the risk of escalation into physical abuse..."

3. Evidence on parenting is that physical punishment of children is not effective and that warm authoritative parenting is most effective

Evidence¹ on parenting shows that the best outcomes for children are achieved by warm, authoritative parenting rather than by authoritarian and/or punitive parenting.

Parenting styles theory is based on research that suggests children's behaviour is directly related to their parents' child-rearing practices. Parents who combine high levels of parental warmth with high levels of supervision are more likely to have children who are more confident, autonomous and socially responsible. This parenting style, often referred to as authoritative parenting, recognises the child as an individual in his or her own right and promotes personal responsibility. Numerous studies show that high levels of parental warmth rather than physical punishment are effective in bringing up children².

Children learn from their parents' behaviour and when a parent uses physical punishment a child learns that violence is acceptable.

4. Parents themselves do not believe that physical punishment is effective, and, at least, as importantly nor do children

Parents do not regard physical punishment as an effective means of disciplining their child. An Ipsos MORI poll³ of parents in Scotland carried out for Parenting across Scotland in 2008 found that only 1% of parents thought that smacking was effective.

A Growing Up in Scotland report⁴ found that relatively few parents reported ever having smacked their child and that parents did not view smacking as effective:

"In spite of the fact that around one in eight parents in the birth cohort and a third in the child cohort report smacking the sample child, the vast majority of parents in both cohorts believe that smacking is either 'not very' or 'not at all useful' as an approach for dealing with children of that age."

¹ <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/parenting-outcomes.pdf>

² <http://pediatrics.aappublications.org/content/pediatrics/101/4/723.full.pdf>

³ <http://www.parentingacrossscotland.org/media/1126/morireportfull2008.pdf>

⁴ <http://www.gov.scot/Publications/2008/02/12135003/8>

However, in the 2012 GUS survey when children, aged 7 and 8 years old, responded to the following statement *'My parents smack me when I have done something wrong'* over half reported having been smacked. So, contrary to parental reporting and a generally accepted belief that physical punishment is in decline, half of the children surveyed reported being smacked. It also showed that boys are smacked more than girls, and poorer boys and girls are smacked more than their wealthier counterparts; given that we know physical punishment is linked to violent behaviour in intimate adult relationships these are disturbing findings.

An unpublished report for PAS by TNS-BRMB (2012) found a high degree of confusion among parents in Scotland over what the law actually is in relation to physical punishment: whether physical punishment was illegal, whether hitting a child with an implement was illegal, whether hitting a child around the head was actually illegal. A principle of the law is that it needs to be clear and accessible to its users; currently in relation to physical punishment of children it is not.

A Scottish Youth Parliament consultation with young people found that 83% of the respondents agreed that *"All physical assault against children should be illegal"*. In research⁵ into children's experience of smacking, children stated that it makes them *'angry'* and *'upset'* and *'sometimes they want to smack someone else'*.

5. Informed support from professional bodies

As well as children's organisations, a growing number of professional organisations have added their voices to the call for legislative change. Legislative change is supported by the Royal College of Paediatrics and Child Health, the Royal College of Nursing, the Scottish Police Federation, Social Work Scotland, and the Violence Reduction Unit - all bodies who see the impact of physical punishment in their work and who have concluded that we need to legislate to ensure that children and young people have the same protection from assault as adults.

What groups would be impacted by the change (for example, parents, children, public services, the legal profession etc)?

1. Children and young people

Our response above has already comprehensively outlined the positive impact of the proposed change for children and young people.

2. Parents

As well as children, parents are the group most likely to be affected by the change in the law. Currently, many parents are not clear what the law is on physical punishment of children. There needs to be a clear public information campaign which informs parents of the change in the law. This has been a successful approach in other legislative change which has affected large numbers of the population, such as the smoking ban. Culture change often follows legislative change; for this to happen there needs to be clear messaging at a population level.

There has been a decline in use of physical punishment by parents, with many parents recognising that is not an effective strategy. Concurrently attitudes are also shifting with parents, particularly younger parents, recognising that it is not the way they wish to treat their children and that it does not work as a means of modifying behaviour. Nonetheless, with parents facing increasing pressures, particularly from austerity, and universal and family

⁵ Willow and Hyder (1998) "It hurts you inside - children talking about smacking" National Children's Bureau and Save the Children

support services being so severely cut that they are at breaking point, it is crucial that we ensure parents can find the support they need when they need it. As well as a public information campaign, the Scottish Government needs to map what support is available for families in the early years and ensure it is adequate.

3. Public services, particularly health visiting, social work and police
There may be an increased call on these services, or a different approach needed. However, any increase in uptake in services is expected to be minimal; this was the case following the change in the law in Ireland in 2015.

Public awareness of the change in the law may lead some parents to ask health professionals for advice on how to deal with their child's difficult behaviour when 'smacking' is illegal; this is to be welcomed. However, there needs to be adequate support and resources for staff to do this.

Do you see any additional impact on groups with protected characteristics?

It would have an impact on the age-related protected characteristic in that everybody in Scotland, whatever age they are, would have the same protection from assault under the law.

Are there any equalities and human rights issues raised by the approach taken in the Bill that should be considered?

This change in the law removes a defence that is only available to those striking a person under 18; consequently, this would make the law equal across age groups eliminating existing discrimination.