

## QUESTIONS

### **SECTION 1 - ABOUT YOU**

1. Are you responding as:

- ☐ On behalf of an organisation? — in which case go to Q2B

**2A. Which of the following best describes you? (If you are a professional or academic whose experience or expertise is not relevant to the proposal, please choose "Member of the public")**

- ☐ Politician (MSP/MP/Peer/MEP/Councillor)  
☐ Professional with experience in a relevant subject  
☐ Academic with expertise in a relevant subject  
☐ Member of the public

**2B. Please select the category which best describes your organisation:**

- ☐ Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

3. 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 organization

Name/organisation: Orkney Islands Council

4. 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.)

Contact details:

[Social-work@orkney.gov.uk](mailto:Social-work@orkney.gov.uk)

## **SECTION 2 - YOUR VIEWS ON THE PROPOSAL**

### **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.**

The legitimate aspiration of leading society towards elimination of physical chastisement has been coherently argued in this paper, though it may be noted that some of the evidence put forward emanates from campaign groups with an explicit pre-existing position on the issues discussed. The language used, even in this questionnaire, such as “giving children equal protection” does not appear to pass the test of objective dispassionate impartiality. It is our view that in moving toward this aspiration, cognizance needs to be taken of the extent to which physical chastisement has been embedded in our society’s cultural norms for the majority of the population for effectively all of known recorded history. It should also be noted that the law as it currently stands effectively prohibits all but the very lowest range of potentially harmful behaviours, and appears to enjoy support and consent amongst a majority of the public. We therefore suggest that the move to change the law must be accompanied by safeguards to ensure that only proportionate, positive reinforcement methods are pursued in response to reported transgressions of matters that, until this change, would not have been captured in a legal framework. To this end, if it is possible, explicit safeguards against a “first response” of recourse to the criminal law should be incorporated, from the outset.

**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.**

**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?**

- Reduction of risk of escalation to more harmful levels of punishment.
- Support for parents in formulating responses to behavioural

- challenges that do not resort to physical chastisement
- Setting norms for future parenting approaches amongst the current generation of children

**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?**

- Risk of prosecution (likely to include a risk of increased use of custody in current Scottish criminal legal system) being disproportionate in its outcome to the objective level of harm inflicted in some cases.
- Risk of enforcement action being used disproportionately among sectors of society already disadvantaged by poverty and limited education
- Risk of undermining confidence of parents who have used physical chastisement, exaggerating sense of failure

**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.

- The positive reinforcement options for parents who are reported to have transgressed will require additional resources
- There is likely to be a significant increase in the number of initial Child Protection referrals requiring initial assessment by statutory agencies

### 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 re-assignment, 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)

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?

### 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