



**1 April 2020**

**Maree Todd MSP**

Minister for Children and Young People

The Scottish Government

St. Andrew's House

Regent Road

Edinburgh

EH1 3DG

[scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

[maree.todd.msp@parliament.scot](mailto:maree.todd.msp@parliament.scot)

Dear Ms Todd,

**Pause implementation of the Children (Equal Protection from Assault) (Scotland) Act**

We are grateful to the Scottish Government for its efforts at this time of great national challenge. We recognise the immense pressure upon Government, and in particular as you work to support children and families across Scotland facing uncertainty and hardship.

We note that, in response to the current extraordinary situation, the Scottish Government has announced a pause to the proposed independence referendum this year.

The commitment to directing all possible resources towards tackling the current public health crisis is universally shared.

We therefore urge the Scottish Government to also pause implementation of the Children (Equal Protection from Assault) (Scotland) Act, which is due to come into force in November.

You will be aware that we oppose this legislation in principle. But regardless of whether people support or oppose it, it is clear that appropriate time and resources are needed. This is to ensure adequate awareness raising is carried out and that public bodies can make the necessary changes for the implementation of such a major social change.

Police Scotland, for example, has said that a smacking ban would likely have a "significant impact" on the force. It seems unfair to impose this upon the police at a time of crisis.

It is also worth noting that the Welsh Government's equivalent law – the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act – is set to come into force in March 2022, after receiving Royal Assent last month. This is a two-year implementation period.

The Welsh Assembly Committee that scrutinised the legislation recommended in its Stage 1 Report that "the Welsh Government allow sufficient time between Royal Assent and commencement of the Bill's substantive provision (to remove the defence of reasonable punishment)".

Deputy Minister for Health and Social Services Julie Morgan AM responded, writing:

*“I have made my view clear that I consider a period of up to 2 years between Royal Assent and commencement should allow sufficient time to carry out awareness raising, so that the public have time to understand the implications of this law and, if needed, identify ways to discipline their children that do not include physically punishing them.*

*“This approach also provides time to take account of how the public bodies involved work together; to refine processes, procedures, guidance and training; and put any diversion scheme and associated arrangements in place prior to bringing the Act into force.*

*“The Crown Prosecution Service (CPS) in their written evidence welcomed this approach and the Children’s Commissioner for Wales in her evidence has stated: ‘I note and understand the requirement to have a suitable period post Royal Assent (should the Bill pass) in order to do the training, awareness and updating of documents’.”*

Given all the necessary changes to procedures for multiple agencies, the sizeable social impact of the legislation, and the need for a large-scale public awareness campaign, the Children (Equal Protection from Assault) (Scotland) Act clearly cannot come into force in November. For the sake of families and frontline workers we urge you to adopt a two-year implementation period, and to confirm that the November deadline will be dropped.

Yours sincerely,

A handwritten signature in black ink that reads "Simon Calvert". The signature is written in a cursive, slightly slanted style.

Simon Calvert  
Be Reasonable