

Three reasons the Scottish Government should pause implementation



The Scottish Government has confirmed that a smacking ban will come into force on 7 November this year, despite widespread disruption due to the COVID-19 outbreak. Here are three reasons why Be Reasonable believes this is a mistake.

Be Reasonable Scotland, April 2020

1. Awareness-raising challenges

With just over six months to go until the new law takes effect, the Scottish public must be made aware that mild parental smacking is being brought within reach of the criminal law, and the consequences they will face if they continue to use reasonable chastisement after 7 November.

Parents or carers who smack their children will be liable to investigation, police caution and even prosecution for assault. They will also face social work intervention which may include being separated from their children. These actions will disrupt family life, cause great stress, and could lead to unemployment if the parents work with children.

There are just over 600,000 families with dependent children in Scotland and the Government faces a huge challenge in making all parents aware of the full ramifications of the smacking ban.

What have they done to so far?

In a letter to Be Reasonable, Maree Todd draws attention to the Government's main 'marketing' campaign for parents, 'Parent Club', saying "we already have taken forward a marketing campaign intended to support parents in dealing with challenging behaviour".

The Parent Club website offers advice on child rearing and includes a [guide](#) to 'dealing with difficult behaviour'.

However, none of the guidance refers to a smacking ban or the coming change in the law. It doesn't mention smacking at all.

It is very concerning that in the five months since the smacking legislation received Royal Assent, the Scottish Government's main parenting campaign has not said a word about the coming change in the law.

We do not believe that in the next seven months the Government will be able to reach parents across Scotland, from all backgrounds, with the message that they will be liable to prosecution and social services involvement if they use reasonable chastisement.

At present, the Government, local authorities and the police are rightly focusing their efforts on the coronavirus outbreak. This could go on for months.

The public is in lockdown, many parents are working from home, and schools are closed. The usual channels of communication to parents are disrupted or closed down entirely. All the while the 7th of November draws closer.

In light of the COVID-19 crisis, the Government has chosen to suspend or defer a number of measures. It would be straightforward, and prudent, to delay implementation of the smacking ban also.

The Welsh Assembly recently passed nearly identical smacking legislation and ministers there agreed a two-year implementation period. One of the reasons for this was specifically to ensure that public awareness about the change is high by the time a ban comes into force in 2022.

2. Diminished police resources

Another reason to delay the implementation of the ban is the increase in pressure on police.

Police officers are busier than ever right now, enforcing the lockdown. Police Scotland will be expending more resources than normal and may be required to do so for some time.

Couple this with concerns about the level of resources required to enforce a smacking ban and the situation is even more serious. Police Scotland has already cautioned that the law could have a "significant impact".

It would be safer to defer implementation to allow Police Scotland to properly quantify the burden that will be placed on officers, and give them time to train and to think through how this can be navigated after months of crisis.

3. Training of professionals

Thirdly, the current situation affords little opportunity for professionals to be trained in how to implement the change in the law.

Under lockdown, social workers, teachers, health visitors and others are not working in the usual way. There aren't the usual training days and events. And for many, their focus will be on the COVID-19 response. It is unlikely they will be fully prepared for the impact of the smacking ban before 7 November.

If professionals are not properly trained, this heightens the risk that the law will be misconstrued or misapplied. In practical terms, this could mean families facing unnecessary or disproportionate investigations, leading to more injustices. Nobody wants to see this.

Conclusion

When Be Reasonable initially raised these concerns, proponents of the smacking ban accused the campaign of 'exploiting' the current crisis. This is untrue. Since day one, this campaign has sought to defend loving parents and caution the Government about the potential ramifications of a smacking ban. This work, like the work of other campaigns, continues despite COVID-19.

Regardless of whether you support or oppose a smacking ban, it is surely right that the Government applies proper standards of professionalism in preparing for the ban. If recent developments could jeopardise those preparations, Ministers should put on the brakes.