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Our Reference: 202000025876  
Your Reference: Children (Equal Protection from Assault) (Scotland) Act

09 April 2020

Dear Simon,

## **CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019**

Thank you for your letter dated 1 April 2020, in which you commented on the implementation period for the Children (Equal Protection from Assault) (Scotland) Act 2019 (“the Equal Protection Act”).

I am grateful for your comments on the work we have done during the ongoing Covid-19 health emergency. The Scottish Ministers are fully committed to safeguarding public health and providing the support that is needed across Scotland at the moment and in particular for vulnerable families.

I have considered the points you make about postponing the implementation of the Equal Protection Act. However, my view is that the Act should still come into force on 7 November 2020.

The current situation will increase difficulties and stresses for some parents. We are currently considering adjustments to our awareness raising plans so that they take into account the current situation, and will still be effective. In fact, we already have taken forward a marketing campaign intended to support parents in dealing with challenging behaviour and in doing so we were mindful that this type of support is all the more relevant for parents at present. You can see this material on the Parent Club website at <https://www.parentclub.scot/topics/behaviour/managing-the-challenges-of-parenting?age=0>



My view is that the Equal Protection Act clarifies the law for parents, and those who are in the position of having to provide advice on what the law is. I think postponement would perpetuate current uncertainty about what the law is and send the wrong message at this time that physical punishment of children is acceptable.

You mention the impact of the current crisis on key organisations involved in the implementation of the Equal Protection Act. As you will be aware, the Scottish Government has set up an Implementation Group for the Act, which brings together key bodies. Information about the work of the group is available at <https://www.gov.scot/groups/children-equal-protection-from-assault-scotland-act-implementation-group/>. During the current emergency we will continue to keep in close touch with members of the Implementation Group to ensure that work on implementing the Act does not cut across work they have to do as a consequence of the emergency.

You have referred to the two year implementation period that is in place for the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act. My view is that the circumstances in Wales are different to the position in Scotland.

For example, points were raised in the Welsh Assembly about awareness raising given that the Welsh Act represents the first criminal law divergence in Welsh law from that of England. Of course, the differences between Scots law (including criminal law) and the law of England and Wales are centuries old, well established, and well understood. Consequently, awareness raising needs in Wales are different, and it is my view that the twelve month period in the Equal Protection Act, as agreed by the Scottish Parliament, is sufficient for Scottish needs.

Yours sincerely



**Maree Todd**