



## INFORMATION FOR PARENTS & CARERS

**A new law about children's welfare has been implemented in Scotland.**

### **So, what has changed? As of 7th November 2020:**

It is no longer allowed in law to physically discipline a child or to use any physical form of chastisement. This includes, for example, slapping, smacking, skelping, spanking or any other form of discipline, all of which is now seen in law as assault. Physical punishment or physical discipline can take many forms, only some of which we have mentioned here.

This change in the law means that if a parent/carer does use slapping, smacking or any physical punishment or discipline on their child, they may be prosecuted. Until 06.11.20, in some cases (depending on what happened), the law allowed parents/carers a defence of '**reasonable chastisement**'. This is no longer the case. Research strongly suggests that physical chastisement is ineffective as either discipline or as a way of teaching limits to a child and there are other ways to manage your child's behaviour that are more effective.

The new law, known as **Children (Equal Protection from Assault) (Scotland) Act 2019**, took away the possible defence of '*reasonable chastisement*'. This means that in Scotland children will have the same legal protection from assault as adults. **It's important to say that the new Act does not introduce any new offence. It just removes a defence to the existing offence of assault.**

Local authorities and other services are responsible for making all families aware of the changes to the law and to promote public awareness and understanding of what is now different. More help in understanding the changes is available from **Children 1<sup>st</sup>** and can be found here: <https://www.children1st.org.uk/who-we-are/speaking-up-for-scotlands-children/equal-protection-information-for-families-about-changes-to-the-law/>

Or if you want to know more about why we think this is an important step in the protection of children you can find more information here: <https://learning.nspcc.org.uk/research-resources/2015/equally-protected>  
[https://www.parliament.scot/S5\\_Equal\\_Opps/SB\\_19-10.pdf](https://www.parliament.scot/S5_Equal_Opps/SB_19-10.pdf)

### **What this means in practice:**

The change in the law applies to any acts of physical punishment or physical discipline of children. It will not apply to any incident which may have taken place prior to 7 November 2020 but for any incident that may have taken place on or after 7 November 2020, the defence of '**reasonable chastisement**' or '**justifiable assault**' will no longer be an option.

### **Support for parents and carers:**

But local authorities and other services also want to support parents and families to manage stress and conflict in a way that keeps children safe and at the end of this leaflet there are links to useful websites that are designed to support parents.

We know it can be tough being a parent or carer and we also recognise that 2020 had unique challenges which continue into 2021. Parenting can be very testing at the best of times, so in more stressful circumstances it can be harder still. It is okay to feel worried about what is happening in your family and the best thing to do is to reach out to the parenting support available.

The [www.parentclub.scot](http://www.parentclub.scot) website contains tried and tested hints and tips like the ones on coping with being a parent and managing your child's behaviour. The NSPCC is also very helpful for parents, so their website is worth a look for tips on positive parenting.

<https://learning.nspcc.org.uk/research-resources/leaflets/positive-parenting>

The [www.parentclub.scot](http://www.parentclub.scot) website also contains a Family Support Directory. This directory brings together information about organisations, benefits and other sources of support for parents and carers, no matter the situation or the stage your child is at.

If talking to someone might help, you can call Children 1st **Parentline on 08000 28 22 33**, or chat to someone online at Parentline. These are free services that provide support for families in Scotland.

<https://www.children1st.org.uk/help-for-families/parentline-scotland/>

Please be aware that when there has been a concern about '*restraining or safely holding*' a child, services will want to understand the context of this before they consider whether it is a protection concern or not. Safely holding a child is about making sure that the child is kept safe from harm.

This new law is not about that. If you stop your child from coming to harm, you're protecting them. For example, if you pull your child away from a busy road or the open door of a lift, you're protecting them. But if you also react to your own anxiety by smacking your child after this, then you are physically punishing them. That is the difference in whether the law will apply or not.

If you are concerned about someone physically disciplining their child, you can contact Police Scotland on **101** (non-emergency) or **999** (in an emergency). Or if you have concerns about a child's safety or welfare you can also contact your nearest social work service by calling **0300 300 1199**