**SPPC Newsletter re Children (Equal Protection from Assault) Scotland Act 2019**

Physical punishment and discipline of children: how the law is changing

**What is changing?**

If a parent or carer physically punishes or disciplines their child they can be prosecuted with assault.  Under the current law, depending on what happened, the defence of ‘reasonable chastisement’ may be available to them. Physical punishment or physical discipline can take many forms, including smacking, hitting skelping, spanking and slapping.

The Children (Equal Protection from Assault) (Scotland) Act 2019 will change the law and remove the “reasonable chastisement” defence from **7 November 2020**.

This means that all forms of physical punishment of children will be against the law in Scotland, and children will have the same legal protection from assault as adults.

The Act does not introduce a new offence.  It just removes a defence to the existing offence of assault.

**What does this mean?**

This change in the law will apply to acts of physical punishment or physical discipline carried out after 7 November 2020.

For acts carried out on or after that date, the defence will not available.

The passing of this act is a very positive step forward for children’s rights in Scotland. Children now have the same right as adults not to be assaulted. Scotland is the first country in the UK to pass such legislation. The impact of legislation in other countries has been positive and these countries have usually seen a decrease in the use of physical violence against children and an increase in child wellbeing.

**What does this mean for my practice in Shetland?**

It is important to recognise that it is a child’s right not to be hit by an adult. The new law does not require any fundamental practice change for staff working with children young people and families given the implementation of Named people, GIRFEC and early help to families. The aim is not to stigmatise or criminalise parents, but to support them.

The first approach, if and when a parent is seen smacking a child, should be to engage with them to find out what has triggered this incident and to offer advice and assistance as appropriate, As part of that conversation a clear message about physical punishment in whatever form not being acceptable and being against the law can be given. The priority is to reduce conflict and to help the parent to avoid repeating the behaviour and to improve relationships. It is not necessary to report incident to the police or to duty social work if you think that preventative action can be taken to minimise the risk of the behaviour being repeated.

Remember

* If you do think a child is at risk of significant harm follow Shetland Interagency Child Protection Procedures, seek advice from a line manager and make a child protection referral to the duty social worker
* Where you can, (as noted above) support and assist parents not to use physical punishment, to develop other approaches to parenting and discipline and deal with any incident within the single agency early intervention support mechanisms that are already in place( Named People/GIRFEC). If you have further concerns after this conversation, you should talk to the duty social worker and seek some advice
* If you are unsure of the best response, seek advice from Childrens Social Work Duty Social Worker or for NHS Shetland staff the Protection Nurse Advisor

**What can I tell Parents?**

The Scottish Government website has a number of resources to support parents and there is also information for parents on the safer Shetland website

<https://www.gov.scot/publications/physical-punishment-and-discipline-of-children-how-the-law-is-changing/>

Leaflets and posters for parents and children are being sent out with this newsletter- please feel free to email out or print and share

If you are in regular contact with parents through parenting groups, school, nursery, NHS Shetland Midwifery and Health visiting services then share the attached leaflet and spread the word so that parents understand the change in the law.

Please do not hesitate to contact Shetland Public Protection Committee Lead Officer if you have any queries about the contents of the newsletter [kategabb@shetland.gov.uk](mailto:kategabb@shetland.gov.uk) 01595744435

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