

## What does this Act do?

The [Act](#) removed the common law defence of “reasonable chastisement” from the law of Scotland on 7 November 2020.

Removal of the defence provides children with the same legal protection from assault as adults.

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

The Act also requires the Scottish Ministers to take steps to promote public awareness and understanding about the defence being removed.

## What does that mean for parents and carers in practice?

If a parent or carer assaults a child in their care in order to punish or discipline them before 7 November 2020 and is then charged, the defence might be available.

The reasonable chastisement defence was removed from the law of Scotland on 7 November 2020. This means that all forms of physical punishment of children became against the law in Scotland from that date.

So if a parent or carer assaults a child in order to punish or discipline them on or after 7 November 2020, the reasonable chastisement defence will not be available to them.



## Was physical punishment of children lawful before 7 November 2020?

Under the previous law, acts of physical punishment or discipline of children could be prosecuted as assault.

Depending on what happened, the defence of reasonable chastisement might have been available to a parent or carer.

But we know that some people found that a bit confusing. In fact, confusion about what the previous law meant is one of the benefits of the new Act.

The Act makes it clear that all physical punishment is against the law from 7 November 2020.

## Why has the defence been removed?

The removal of the reasonable chastisement defence is part of the Children (Equal Protection from Assault) (Scotland) Act 2019.

The Bill which became that Act was introduced to the Scottish Parliament by [John Finnie MSP](#).



The [accompanying documents](#) to the legislation contain further information about its background.



The Scottish Government supports the removal of the reasonable chastisement defence.

This is because of the evidence showing that physical punishment is not in the best interests of children.

Physical punishment is harmful, and it is not effective.

Physical punishment can take many different forms. Some examples are:

- smacking
- skelping
- spanking

But there are other types too.

### **Does this law mean that lots of parents are going to be charged with assault?**

We've looked at what happened in other countries which made similar changes to their law.

There were not a lot of prosecutions, and we think Scotland will be the same.

In New Zealand, in the five years after the law changed there in a similar way, only five prosecutions for smacking were taken forward. The New Zealand police have published a report on this five year period.

### **What can parents and carers do if the behaviour of their child is difficult?**

We know it can be challenging being a parent or carer.

And we know that 2020 has had some unique difficulties.

It's ok to feel worried about what's happening. Lots of support is available.

The ParentClub website contains tried and tested hints and tips like how to cope with being a parent



ParentClub also contains the Family Support Directory. This is a searchable list of support available for families across Scotland.

If talking to someone might help, you can call Children 1<sup>st</sup> Parentline on **08000 28 22 33**. This is free.

Or you can chat to someone online at <https://www.children1st.org.uk/parentline>. This is free too.

### **What should I do if I see someone physically punishing their child?**

You can call the police on **101** if you think a crime has been committed.

Or you can contact your local council if you are concerned about harm to a child from physical punishment.

You can also report crimes anonymously to Crimestoppers on **0800 555 111**. They'll pass the information about the crime to the police.

Or, as has always been the case, you can call **999** if a child or young person is in immediate danger.

## Does this law mean I cannot stop my child from doing something dangerous?

No, it does not.

The new law is about removing the defence of reasonable chastisement.



If you prevent your child from coming to harm, you're protecting them.

So if you stop your child from running on to a busy road, you're protecting them.

But if you smack your child afterwards, you're physically punishing them.

## Is Scotland the only place in the UK to make this change to its law?

No, it is not. But it is the first part of the UK to pass a law like this.

The Scottish Government wants Scotland to be the best place in the world for children to grow up. The removal of the reasonable chastisement defence contributes to that aim.

The Welsh Assembly passed [legislation](#) in early 2020 which will make a similar change to the law in Wales.

And other countries have passed legislation with similar effect, including Ireland and New Zealand.

So a wider change is happening, and Scotland is part of this.

## What has the Scottish Government done to get ready for this change in the law?

We have

- Set up an [Implementation Group](#) which has considered what will be needed to make the Act work
- Provided [information](#) to over 100 organisations in Scotland about the Act
- As part of our work on supporting parents, we've published a campaign on [coping with being a parent](#)

This Act also requires us to take steps to promote public awareness and understanding of the Act.



We have

- Published information about the Act on the [Scottish Government website](#) and on [mygov.scot](#)
- Created a factsheet for parents and carers explaining the new Act. We're working with partners to distribute these via digital channels across Scotland
- Created posters and Q&As for children and young people about the Act. We're working with partners to share these across Scotland too
- Arranged for information about the Act to be included on [ParentClub](#)
- Made arrangements for information about the Act to be included in [Ready Steady Baby](#)