



Homeless Action Scotland

Response to Consultation on
the Proposed Children (Equal
Protection from Assault)
(Scotland) Bill

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Introduction

Homeless Action Scotland is the membership body for organisations and individuals in Scotland working to prevent and tackle homelessness. Our members include local authorities, housing associations, voluntary organisations and individuals.

Homeless Action Scotland welcomes the opportunity to respond to this consultation and strongly supports the broad aims and principles of the proposed Bill. We have restricted our comments to our specialist areas of knowledge. Our consultation response is below:

Which of the following best expresses your view of the proposal of giving children equal protection from assault by prohibiting all physical punishment of children?

Fully supportive

Please explain the reasons for your response.

Homeless Action Scotland is fully supportive of the proposal to prohibit all forms of physical punishment of children. Our strong view is that children should be more protected than adults, not less, from physical violence, whether it occurs in the home or in the wider world.

We strongly endorse the evidence based Equally Protected? Report commissioned by the Children and Young People's Commissioner Scotland, Children 1st, Barnardo's Scotland and NSPCC Scotland and published in 2015.¹ While we are broadly supportive of the findings of the report and children's rights based approach taken throughout, our comments for this consultation will be restricted to our area of expertise around homelessness. There are strong links between adverse childhood experiences, including physical abuse and potentially including traumatic physical punishment, and homelessness later in life, as evidenced below. For this reason Homeless Action Scotland strongly supports the move to offer children equal protection from assault.

The foreword of Equally Protected? states:

'The international evidence could not be any clearer – physical punishment has the potential to damage children and carries the risk of escalation into physical abuse.'

¹ Heilmann, A, Kelly Y and Watt R, 'Equally Protected? A Review of the evidence on the physical punishment of children' (2015)

Throughout the report, there are key messages that are relevant to a consideration of the link between adverse childhood experiences and youth and adult homelessness. Some of these are highlighted below:

- Other negative outcomes that were shown to be related to physical punishment are parent-child conflict, adult mental illness and adult substance abuse.
- Physical punishment is among a range of important risk factors for child physical abuse.
- The evidence for an association between physical punishment and child maltreatment or abuse is consistent and supported by all studies that examined it.
- The use of legally permissible forms of physical punishment has been linked to increased risks for parental use of severe physical violence, injury requiring medical attention during the first year of life, and household involvement with Child Protective Services.

The evidence suggests a strong association between physical punishment and parent-child conflict, physical abuse and child maltreatment. These potentially all fall within the definition of Adverse Childhood Experiences (ACEs). ACEs are stressful and traumatic experiences that occur during childhood that directly harm a child or affect their home environment. ACEs can include verbal, physical and sexual abuse directed at the child or can be things that affect the child's household including domestic abuse, mental illness, substance abuse or adult incarceration.² Experiencing ACEs has been linked to a wide variety of long term health harming behaviour and illnesses.³

There is strong evidence that there are links between adverse childhood experiences, including physical abuse, and the risk of adult and youth homelessness. The causal link between adverse childhood experiences and homelessness was first established by a 1997 American study.⁴ The study found that 'the combination of lack of care and either physical or sexual abuse during childhood [was] associated with a dramatically elevated risk of adult homelessness. In addition, both lack of care and physical abuse, when considered alone, were associated with highly significant increases in the risk of homelessness.'

All children have the right to life, survival and development⁵ and the right to be protected from all forms of violence.⁶ Governments, including the Scottish Government, are bound to take all available measures to make sure that the rights of children are respected, protected and fulfilled.⁷ The links between physical punishment and ACEs, and the links between ACEs and homelessness in later life, are strong enough that Homeless Action Scotland fully supports the proposal of giving children equal protection from assault by prohibiting all physical punishment of children.

² Welsh Adverse Childhood Experiences Study (2015) Public Health Wales NHS Trust (last accessed [here](#), 03/08/17)

³ Couper, S and Mackie, P, 'Polishing the Diamonds: Addressing Adverse Childhood Experiences in Scotland (2016) Scottish Public Health Network (last accessed [here](#), 03/08/17)

⁴ Herman, D et al, 'Adverse Childhood Experiences: Are They Risk Factors for Adult Homelessness?' *American Journal of Public Health* (1997) Vol.87, No. 2, pp. 249 – 255.

⁵ UNCRC, Article 6

⁶ UNCRC, Article 19

⁷ UNCRC, Article 4

Could the aims of this proposal be better delivered in another way?

No

Please explain the reasons for your response.

Homeless Action Scotland believes that it is appropriate to seek to achieve the aim of equal protection from assault for children through legislation as the justifiable assault defence to the crime of assault is not only a common law remnant but is built into our legislative system through the Criminal Justice (Scotland) Act 2003. If the aim of the Bill is to seek long term attitudinal change, and it is widely accepted that this change is desirable, it would be perverse to choose to leave the defence in legislation while spending public money on changing attitudes and practices. There are also issues around ensuring legal certainty when social attitudes and practices outstrip our legislative framework.

Homeless Action Scotland gives full permission for this submission to be published.

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