

Item 19

From: [Redacted - S.38(1)(b)] [Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)])
Sent: 14 May 2020 12:06
To: [Redacted - S.38(1)(b)]
Subject: FW: CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019
Attachments: Children (Equal Protection from Assault) - Be Reasonable Scotland - Implementation Group chair reply.docx

For info.

From: [Redacted - S.38(1)(b)] [Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)])
Sent: 14 May 2020 12:06
To: '[Redacted - S.38(1)(b)]@bereasonablescotland.org' <[Redacted - S.38(1)(b)]@bereasonablescotland.org>
Subject: CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019

I attach a three page letter to [Redacted - S.38(1)(b)].

[Redacted - S.38(1)(b)]
Family Law Policy
Scottish Government
[Redacted - S.38(1)(b)]

Directorate for Justice
Civil Law and Legal Division

Email: [Redacted - S.38(1)(b)]



Scottish Government
Riaghaltas na h-Alba
gov.scot

[Redacted - S.38(1)(b)]
Be Reasonable Scotland

admin@bereasonablescotland.org

14 May 2020

Dear [Redacted - S.38(1)(b)]

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

Thank you for your letter dated 9 April 2020, in which you raised a number of points in relation to the Children (Equal Protection from Assault) (Scotland) Act 2019 Implementation Group. I am the Chair of the Group and have addressed these points below in the order they appeared in your letter.

“Can you please confirm that the implementation group accepts that parents will be criminalised as a result of the implementation of this law, and indicate whether or not this is the Government’s intention?”

You will appreciate that members of the group, and the bodies they represent, may have their own views. The Scottish Government can only comment on its own position.

The policy intention behind the Act (which, as you know, was a member’s Bill) was to provide children with the same legal protection from assault as adults. The Scottish Government supports that policy intention. In line with experiences in other jurisdictions that have made similar changes to their law, we would not expect significant numbers of prosecutions to be taken forwards as a consequence of this legislation.

It is good and standard practice to monitor the effects of new legislation. It is with that in mind that we are exploring options for how this best to do this in relation to the Children (Equal Protection from Assault Act.

“Can you confirm whether the group still maintains that there is “little up-to-date evidence on public attitudes in Scotland towards physical punishment”?”

Thank you for the information you have included in your Appendix 1. I will make sure that group members – who as indicated above may of course have their own views –

are provided with this information.

“Can you please advise what the Scottish Government and the implementation group has done since November to comply with this [awareness raising] obligation?”

Since the Act received Royal Assent, we have:

Published information on the Scottish Government website about the Act and the work of the Implementation Group: <https://www.gov.scot/groups/children-equal-protection-from-assault-scotland-act-implementation-group/>

Provided information on the Act to be included in forthcoming publications of:

Ready Steady Baby
Child protection guidance

We are shortly going to issue a circular on the Act to relevant bodies.

As you know, section 2 of the Act provides that “The Scottish Ministers must take such steps as they consider appropriate to promote public awareness and understanding about the effect of section 1”. In conjunction with the Implementation Group, the Scottish Government has given consideration to the work that can be taken forward in the months leading up to 7 November. We think this could include:

- A public-facing factsheet setting out key points about the Act, to be published on the Scottish Government website

- The development of new webpage(s) on the Scottish Government website containing information about the Act.

- Working with partner organisations to support the distribution of the factsheet.

- Further circulars providing information on implementation work.

When the Minister for Children and Young People spoke for the Scottish Government on the then Bill at Stage 1, she mentioned¹ that: “Our approach to parenting support will continue to reflect the day-to-day challenges that parents face. We will continue to provide practical and realistic advice that parents can turn to for help with those challenges.”

In line with that, we have also:

- Launched a marketing campaign about positive parenting across multiple platforms, including [Parent Club](#), social media channels and television. This campaign recognises the challenges of parenting and seeks to provide information and advice to support parents and carers on a range of issues including relationships and mental health as well as practical support with learning, play and working from home in the current public health emergency.

- Produced and distributed a stakeholder communications toolkit. This is a package of materials linked to the marketing campaign which stakeholders are free to use in their own communications channels.

“Can you please confirm what adjustments to the awareness raising plans are being made during this time?”

As you know from the letter sent to you by the Minister for Children and Young People, we are continuing to keep in close touch with Implementation Group members while the public health emergency continues.

However, we adjusted our marketing campaign on positive parenting so it could have a wider audience reach across a broader set of platforms and support

families with an increasing range of issues emerging as a result of the current pandemic and the associated essential restrictions.

The Scottish Government considers that the current public health emergency makes it even more important that the removal of the reasonable chastisement defence is commenced on 7 November this year. Any postponement could risk sending a message that it is acceptable to physically punish children in the current circumstances. That would be completely at odds with the Scottish Government's view that physical punishment of children is harmful.

What will the group do to ensure the Act does not cut across critical work in response to the current public health crisis?

As you know from the letter sent to you by the Minister for Children and Young People, the Scottish Government is keeping in close touch with Implementation Group members while the public health emergency continues. We intend to continue this in the coming weeks and months and we have made it clear to Implementation Group members that we are happy to discuss any questions or concerns that they may have.

Can you please advise when the minutes of this [February Implementation Group] meeting will be made available?

We are currently preparing a draft of these minutes and expect to publish them in due course. Draft minutes are cleared by Group members prior to publication.

Yours sincerely

[Redacted - S.38(1)(b)]
Family law

Item 20

From: [Redacted - S.38(1)(b)] [Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)])
Sent: 17 February 2023 12:07
To: '[Redacted - S.38(1)(b)]@bereasonablescotland.org'
Subject: RE: Children (Equal Protection from Assault) (Scotland) Act

Dear Mr [Redacted - S.38(1)(b)]

Many thanks for your letter – I acknowledge receipt. We'll send a substantive reply as soon as we can.

Yours sincerely

[Redacted - S.38(1)(b)]

From: Be Reasonable Scotland <[Redacted - S.38(1)(b)]@bereasonablescotland.org>
Sent: 17 February 2023 11:04
To: Family Law (Justice) <Family_Law_{Justice}@gov.scot>
Subject: Children (Equal Protection from Assault) (Scotland) Act

Please find attached a letter for the attention of The Chair of the Children (Equal Protection From Assault) (Scotland) Act 2019 implementation group.
I would be grateful if you would please acknowledge receipt.

Kind regards,
[Redacted - S.38(1)(b)]
Be Reasonable

Item 21

From: [Redacted - S.38(1)(b)]
Sent: 14 April 2020 10:54
To: 'Be Reasonable Scotland'
Subject: RE: Children(Equal Protection From Assault) (Scotland) Act 2019

Dear Mr [Redacted - S.38(1)(b)]

I acknowledge receipt of your email dated 9 April 2020 (below) and the attached letter.

[Redacted - S.38(1)(b)]

[Redacted - S.38(1)(b)]

Family Law | Scottish Government | Civil Law and Legal System Division | St Andrew's House | Area
GW15 | Regent Road | Edinburgh | EH1 3DG | [Redacted - S.38(1)(b)]

From: Be Reasonable Scotland <[Redacted - S.38(1)(b)]@bereasonablescotland.org>

Sent: 09 April 2020 15:52

To: Family Law (Justice) <Family_Law_{Justice}@gov.scot>

Subject: Children(Equal Protection From Assault) (Scotland) Act 2019

Please find attached a letter to the Chair of the Children (Equal Protection From Assault) (Scotland) Act 2019 implementation group.

I would be grateful if you would please acknowledge receipt.

Kind regards,

[Redacted - S.38(1)(b)]

Be Reasonable

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Item 22

From: Be Reasonable Scotland <[Redacted - S.38(1)(b)]@bereasonablescotland.org>
Sent: 09 April 2020 15:52
To: Family Law (Justice)
Subject: Children(Equal Protection From Assault) (Scotland) Act 2019
Attachments: Be Reasonable Scotland letter to Children (Equal Protection From Assault) (Scotland) Act 2019 implementation group - 9 April 2020.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached a letter to the Chair of the Children (Equal Protection From Assault) (Scotland) Act 2019 implementation group.
I would be grateful if you would please acknowledge receipt.

Kind regards,

[Redacted - S.38(1)(b)]
Be Reasonable

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09 April 2020

FAO: Children (Equal Protection from Assault) (Scotland) Act 2019 implementation group family.law@gov.scot

We have been taking a close interest in the activities of the implementation group, given our stated concerns about the likely impact of outlawing smacking.

Criminalisation

In light of discussions recorded in the minutes of the group, we would be grateful if you would clarify how the group anticipates the law will be enforced.

You will be aware that supporters of the smacking ban sought to reassure the public that it would not lead to parents being criminalised. For example, during the Stage 1 debate on 28 May 2019 the Minister for Children and Young People told MSPs: “I assure members that our intention is not to criminalise parents.”

John Finnie, the sponsor of the Bill, said: “The bill’s intention is not to criminalise parents, but to set out a direction of travel about child welfare and child upbringing... The bill is not about criminalising anyone, but about supporting children” (EHRiC Official Report, 28 March 2019, col. 21).

The Stage 1 [Report](#) issued by the Equality and Human Rights Committee (EHRiC) concluded the intention of the Bill was “not to criminalise, but to encourage positive change” (para. 268).

The EHRiC also stated: “We are reassured by the evidence we heard from other countries that changes in legislation do not lead to a notable increase in the criminalisation of parents” (para. 143).

Diego Quiroz, of the Scottish Human Rights Commission, told the EHRiC: “We are not criminalising any conduct” (EHRiC Official Report, 28 February 2019, col. 23).

John McKenzie of Police Scotland said: “The bill aims to remove the statutory defence of justifiable assault, and I cannot see how that, in itself, would criminalise parents” (EHRiC Official Report, 21 March 2019, col. 34).

However, it has always been obvious to us that using the criminal law to outlaw reasonable chastisement necessarily means that the law will be enforced. We are not alone in this view.

In April 2017 the Scottish Government’s own [periodic review of human rights](#) said (at page 45) changing the law “could potentially criminalise parents for lightly smacking their children”.

In [a submission to MSPs](#), Pamela Ferguson, Professor of Scots Law at Dundee University, stated that John Finnie’s Bill would “criminalise actions or behaviours which are currently lawful, such as smacking”.

She added: “It is difficult to predict the outcome of the Bill but an increase of reporting and prosecution of assaults on children by parents is a distinct possibility.”

This view was supported in a [submission](#) from Michael Sheridan, of the Scottish Law Agents Society, who told MSPs that under the proposed legislation, a parent could “be guilty of assault, even if acting reasonably”, adding that prosecutions for smacking must follow as a matter of course, otherwise the change to the law would be “meaningless”.

You may also be aware that police in Wales estimated there would be 274 new smacking crimes recorded per year under legislation nearly identical to that passed by Holyrood. Accounting for Scotland’s larger population, [we estimate that](#) this would mean 474 cases a year for Police Scotland to handle.

We labour the point because the implementation group appears to agree with us that the new law against reasonable chastisement will have to be enforced, including prosecution

and conviction of parents in circumstances where they would not previously have been prosecuted or convicted.

The minutes of your meeting in September say Crown Office and Procurator Fiscal Service guidelines will “enable a prosecution where justified”.

The minutes also state: “COPFS indicated that it anticipates being able to provide figures in relation to the number of reports received involving an assault of a child and action taken e.g. diversion from prosecution or court proceedings.” Diversion from prosecution obviously presupposes that prosecution may take place in the ordinary course of events.

In a similar vein your discussion paper on monitoring (para. 2) refers to “Prosecutions (including diversions from prosecutions)”.

In the same paper, the Scottish Children’s Reporter Administration notes “the possibility of becoming involved should a case not proceed to prosecution” (para. 6).

Para. 5 says: “The COPFS may be able to provide information about the number of relevant prosecutions and diversions from prosecutions.”

Para. 4 says that tracking Police reports “could be challenging due to the way data is recorded”. Again, this assumes parents will be reported to the police for reasonable chastisement of the kind that is currently legal and widespread.

Finally, the minutes of your November meeting (para. 14) discuss “tracking the number of convictions” and the “challenges to monitoring” a smacking ban, and in particular comments by the Crown “that it would be necessary to search through assault offences one by one in order to determine which ones were relevant to the removal of the defence.”

Clearly this flatly contradicts the assurances that this legislation is “not about criminalising anyone”.

Can you please confirm that the implementation group accepts that parents will be criminalised as a result of the implementation of this law, and indicate whether or not this is the Government’s intention?

Public opinion

Your 28 November 2019 discussion paper on monitoring says in para. 3: “There is little up-to-date evidence on public attitudes in Scotland towards physical punishment.” This is not correct.

Appendix 1 to this letter contains a sample of opinion polls on smacking conducted in Scotland in the last five years, along with a summary of the consultation held by the Equality and Human Rights Committee. All show majorities opposed to a smacking ban.

Para. 6 of the November minutes appears to concede this point when it refers to “The cultural shift represented by the Act”.

We also note that the Government has repeatedly claimed that public opinion actually supports a ban - see our Appendix 2 below. Again, this reveals a difference of opinion between the implementation group and the Government as to the evidence on public attitudes toward physical punishment. |

Can you confirm whether the group still maintains that there is “little up-to-date evidence on public attitudes in Scotland towards physical punishment”? |

We also note that the November discussion paper on monitoring suggests that more parents may smack than are prepared to admit it: “the outcome of any such survey is vulnerable to inaccuracy due to the publicity surrounding the Bill and the possibility that people may answer based on what they believe to be socially acceptable rather than what they actually do” (para. 8). |

This all goes to the question of raising public awareness. As the November minutes confirm, “the obligation to raise awareness is already in force”. |

Can you please advise what the Scottish Government and the implementation group has done since November to comply with this obligation? |

The Minister for Children and Young People recently informed us that adjustments to the awareness raising plans are being considered to take into account the current COVID-19 crisis. As schools are closed and families are being told to stay at home, how is the Government going to ensure parents are sufficiently informed? This is a major legislative change, which could result in parents committing a criminal offence for doing something which has been part of normal parenting for generations. |

Can you please confirm what adjustments to the awareness raising plans are being made during this time? |

The Minister also stated: “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.” |

Yet in the November minutes the Police Scotland representative said that implementing the smacking ban was “likely to be a significant impact”, “as there are 17,000 officers to train”. |

What will the group do to ensure the Act does not cut across critical work in response to the current public health crisis? |

Finally, the group agreed to hold its next meeting in February. Can you please advise when the minutes of this meeting will be made available? |

Yours sincerely, |

[Redacted - S.38(1)(b)]

[Redacted

– S.38(1)(b)] Be

Reasonable **Appendi**

x 1 - Public Opinion

N.B. All headings are clickable links

[YouGov / Children 1st poll](#) February

2015, 1021 Scottish adults

67% agreed the law should remain
the same 21% believed the law should change

[YouGov poll](#)

July 2017, 4283 GB adults

22% - (GB) Should be banned

59% - (GB) Should not be banned

25% - (Scot) Should be banned

54% - (Scot) Should not be banned

[ComRes / Be Reasonable poll](#)

October 2017, 1010 Scottish adults

74% - Against smacking ban

14% - For smacking ban

[ScotPulse survey on behalf of STV News](#)

October 2017, 953 Scots aged 16+, online omnibus survey

64% believed smacking should be allowed, at least in some circumstances.

[Panelbase survey for The Sunday Times \(Scotland\)](#)

October 2018, 1024 Scots voters

53% - Against smacking ban

30% - For smacking ban

(17% - Don't know)

[YouGov poll](#)

October 2019, 1956 GB adults

57% - (GB) opposed a smacking ban

31% - (GB) supported smacking ban

55% - (Scot) opposed a smacking ban
41% - (Scot) supported smacking ban

[Scottish Parliament consultation](#)

Scottish Parliament Equalities and Human Rights Committee call for evidence, 2 November 2018 to 25 January 2019

Total respondents: 437

89% - Against the Bill

11% - For the Bill

(Individuals – 97% against the Bill)

(Parents – 98% against the Bill)

[Click to read Be Reasonable press release](#)

Appendix 2 - Government claims of public support for a smacking ban

[Equalities and Human Rights Committee Official Report, 28 March 2019](#)

[Redacted - S.38(1)(b)] – “We support the removal of the defence of reasonable chastisement because we believe that children should have the same legal protection as adults. Public support for that principle is extremely strong—about 92 per cent of people who were asked agreed that children should have the same protection from assault as adults and only 2 per cent of the population would oppose that.”

“I read the papers accompanying the bill last night and was very interested to see that 80odd per cent of parents of small children do not believe that smacking is an effective disciplinary tool. I do not think that the bill is wildly out of step with public opinion.”

[ITV News: Smacking ban ‘will do nothing to help vulnerable children’, 26 May 2019](#)

[Redacted - S.38(1)(b)] - “The overwhelming evidence received by the Equalities and Human Rights

Committee and all the international experience tells us that this is the right thing to do.”

[Redacted - S.38(1)(b)] - “And, of course, it is supported by an overwhelming majority of public opinion.”

[Herald Scotland: Councils say Scotland's smacking ban could place heavy burden on social workers, 31 December 2019](#)

[Redacted - S.38(1)(b)] - “This is backed by an overwhelming majority of public opinion...” [The Scotsman: Smacking ban to deliver blow to police budgets, 26 January 2020](#)

A Scottish Government spokesperson said: “This Act will give children the same legal protections as adults – something supported by an overwhelming majority of public opinion and backed by the Scottish Parliament.” |

Items 23

From: [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@children1st.org.uk>
Sent: 17 June 2020 10:56
To: [Redacted - S.38(1)(b)]
Cc: [Redacted - S.38(1)(b)] [Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)]); [Redacted - S.38(1)(b)]; [Redacted - S.38(1)(b)]
Subject: RE: Children (Equal Protection from Assault) (Scotland) Act 2019 - draft factsheet
Attachments: [Redacted]- S.25(1)]

Hi [Redacted - S.38(1)(b)],

Thanks very much for sharing this with us- I'm so sorry it has taken me so long to get back to you.

I shared with our Assistant Directors and they thought this was really helpful. [Redacted - S.38(1)(b)] (copied in here) has provided some comments on the text in the attached, but broadly we wondered about the following:

- We think it might be helpful for the graphics to be a little bit friendlier, perhaps linking with the Parent Club campaign (you may already have been planning on doing this, I know that this version is an initial draft).
- We think it would be helpful to define what we mean by 'physical punishment'—our experience is that it is helpful to clearly state that this includes 'smacking'.
- We note that the link to the website just takes us to the implementation group page. It sounds from the text as though this will change and include more info. We think this would be helpful- perhaps one page (like this one: <https://www.gov.scot/policies/race-equality/>) with the implementation group sitting behind it might be helpful. We would be happy to host this on Parentline's website if you prefer.
- When referring to Parentline please could you put 'Children 1st Parentline' (we are finding this makes things easier to help families understand that Parentline and Children 1st are not separate).
- We strongly advise asking parents their views about the text and content in advance of it being published- we would be happy to share with some families we support once we have a more final version.

Hope these comments are helpful and sorry again for taking a little while to respond. Please do let us know if you would like to discuss further, we are happy to help.

Can I just check whether you are planning to send the planning document that we discussed out to the Implementation Group shortly?

Thanks,
[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)]@gov.scot <[Redacted - S.38(1)(b)]@gov.scot>
Sent: 03 June 2020 16:22
To: [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@children1st.org.uk>
Cc: [Redacted - S.38(1)(b)]@gov.scot; [Redacted - S.38(1)(b)]@gov.scot
Subject: Children (Equal Protection from Assault) (Scotland) Act 2019 - draft factsheet

[Redacted - S.38(1)(b)]

Many thanks for your time earlier this afternoon; it was good to get the chance to hear how things are with you.

As discussed, please find attached a draft factsheet, and we'd welcome comments on this. As this is just a draft, I'd be grateful if you didn't share this outside your organisation.

I'd be happy to have a discussion about the attached if that would be helpful.

[Redacted - S.38(1)(b)]

[Redacted - S.38(1)(b)]

Family Law | Scottish Government | Civil Law and Legal System Division | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG | [Redacted - S.38(1)(b)]

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(SCOTTISH GOVERNMENT HEALTH & SOCIAL CARE DIRECTORATE) <[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk>; [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk

Subject: FW: Ready Steady Baby - information on parental responsibilities and parental rights

Hi [Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)])

Thanks for asking us to review this draft of Ready Steady Baby.

I've attached some suggested changes and comments.

You'll see that as well as pages 241-243, we've suggested a change to page 252. The law on the physical punishment of children is changing and we think it would be helpful to mention that in this draft.

We would like to seek views on the text we've suggested from the implementation group working on the change to the law: <https://www.gov.scot/groups/children-equal-protection-from-assault-scotland-bill-implementation-group/>.

The group will meet on 28 November. Would you be happy for us to give you feedback from that group on or soon after 28 November?

Many thanks

[Redacted - S.38(1)(b)]

--

[Redacted - S.38(1)(b)]

Family Law

Scottish Government

[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Sent: 12 November 2019 15:42

To: [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>

Subject: Ready Steady Baby - information on parental responsibilities and parental rights

Good afternoon

I am contacting you as a member of the newly formed Health Improvement Information team at NHS Health Scotland. Ready Steady Baby is now due for an annual review and update of content. We plan to ensure content is up to date in both print and digital formats before we reprint an updated version of Ready Steady Baby in January 2020.

My colleague [Redacted - S.38(1)(b)] has been reviewing for inclusion and rights, but has suggested that with regards to the specific Responsibilities and Rights section that you or someone in your team would be best suited to cast an eye over it for accuracy.

I would appreciate it if you/your team could review pages 241-243 in the PDF attached, considering the following:

- What content areas need to be updated from 2018/2019?
- Are there any known developments based on RSB content due to happen between now and into mid 2020?

Please use the comment response form also attached to collate any changes or updates that would need to be made. Disregard the deadline on the form, but I would appreciate it if you could send any feedback to me by Friday 22 November to enable me to stick to print deadlines.

If you are not able to review Ready Steady Baby, I would be grateful if you could let me know as soon as possible, and where suitable provide the contact details of an alternative reviewer.

I look forward to hearing from you and thank you very much for your support in advance.

Kind regards,

[Redacted - S.38(1)(b)]
Health Improvement Officer
NHS Health Scotland

[Redacted - S.38(1)(b)]@nhs.net
[Redacted - S.38(1)(b)] / [Redacted - S.38(1)(b)]
Working pattern: Mon-Tues, Thurs-Fri.

Working for a fairer, healthier Scotland
@NHS_HS www.healthscotland.scot

From: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk [mailto:[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk]

Sent: 23 January 2019 11:23

To: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Cc: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk; [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk; [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

[Redacted - S.38(1)(b)]

Thanks. I'm happy to sign off the content on responsibilities and rights.

In my e-mail on 28 November last year, I suggested some changes to the Ready Steady Baby website. Are you able to help with that?

Many thanks

[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Sent: 22 January 2019 14:09

To: [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>

Cc: [Redacted - S.38(1)(b)] [Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)]) <[Redacted - S.38(1)(b)]@gov.scot>; [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>; [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

Hi [Redacted - S.38(1)(b)]

Please find attached V3 proofs of Ready Steady Baby.

The text changes you requested at V2 proof stage have been taken in on the following pages:

- Responsibilities and Rights (pp.241 – 243)
- Signposting to Scotland's Forced Marriage and Domestic Abuse helpline (p.218)

Please note that all of the artworking and photoshopping of images will be done at a later date so the removal of 'HM Coroner's Office' from the image on p.243 hasn't yet been actioned, but is on the list.

To enable us to meet our print deadline, no further significant changes are possible at this stage. However, if there are any amends that are necessary in order to **correct factually inaccurate information that would have the potential to put a mother or child at risk of harm** please let me know by **midday tomorrow**. Otherwise could you please confirm that you're happy to sign off the Responsibilities and Rights content?

Many thanks again for all your guidance in developing this content.

Best wishes,

[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk [mailto:[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk]

Sent: 18 January 2019 07:48

To: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Cc: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk; [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk; [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

[Redacted - S.38(1)(b)]

We think that we should refer readers to the domestic abuse and forced marriage helpline rather than Scottish Women's Aid:

"Everyone in your family needs to be safe. If you're worried about your own safety or the safety of your baby because of violence or abuse, alcohol or drug taking, talk to your midwife, health visitor or family nurse. Help and advice in relation to domestic abuse is available 24/7 through the Domestic Abuse and Forced Marriage Helpline on [Redacted - S.38(1)(b)]."

Please let me see the V3 proof next week.

Many thanks

[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Sent: 17 January 2019 16:47

To: [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>

Cc: [Redacted - S.38(1)(b)] [Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)]) <[Redacted - S.38(1)(b)]@gov.scot>; [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>; [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

Hi [Redacted - S.38(1)(b)],

That's great, thank you for sending this amend, and look forward to receiving the text re Women's Aid once ready.

Just to check if you'd like to see the V3 proof when it's ready on Tuesday, or if you're content to sign off as is?

Many thanks

[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk [mailto:[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk]

Sent: 17 January 2019 15:53

To: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Cc: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk; [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk; [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

[Redacted - S.38(1)(b)]

Sorry for the delay in replying.

On page 238, I suggest making the following changes:

1. Change the second bullet to read:

“He can be named as the father on the birth certificate. You can find more information about registering your baby’s birth on page 239.”

2. Delete the third bullet.

3. Delete the fifth bullet.

This would make the bullets read:

- He can be married to the mother at the time of the baby’s conception or at any point after that.
- He can be named as the father on the birth certificate. You can find more information about registering your baby’s birth on page 239.
- The mother and father can register a Parental Responsibilities and Parental Rights Agreement giving him PRRs.
- A court can give him PRRs.

4. On the suggested reference to Scottish Women’s Aid on page 216, I’m waiting on hearing from colleagues and hope to be able to give you suggested text tomorrow.

[Redacted - S.38(1)(b)]

[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Sent: 17 January 2019 15:10

To: [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>

Cc: [Redacted - S.38(1)(b)] [Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)]) <[Redacted - S.38(1)(b)]@gov.scot>

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

Hi [Redacted - S.38(1)(b)],

Could I please check when you’ll be sending comments on the two outstanding issues regarding Responsibilities and Rights:

- Final amends to bullets 2 and 3 on p.238
- Consideration of signposting to Women’s Aid (on p.216 or 217), as suggested by [Redacted - S.38(1)(b)]

RSB V3 proof will be available to view on Tuesday 22 Jan. Would you like to have sight of this proof, or are you content to sign off the Responsibilities and Rights content on the basis of your most recent amends having been taken in?

Many thanks

[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND)

Sent: 15 January 2019 16:55

To: '[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk' <[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk>

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

Hi [Redacted - S.38(1)(b)],

Could I please check one additional point with you?

[Redacted - S.38(1)(b)] (signing off content for single parents) has suggested that it might be appropriate to signpost to Women's Aid on p.216 – 217, in consideration of the content on domestic violence on this page ('You need to do' box). She recommended that we run this past your team first.

If you could include your thoughts on this point when you return your outstanding comments that would be much appreciated.

Many thanks

[Redacted - S.38(1)(b)]

From:[Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND)

Sent: 15 January 2019 13:16

To: '[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk' <[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk>

Cc: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

Hi [Redacted - S.38(1)(b)]

Many thanks for checking the proof and getting back so promptly.

So, to confirm, we'll leave the new ordering as it is (with birth registration on p.239 and donor insemination/fertility treatment on p.238). We'll also take in your corrections below and either photoshop the image on p.239, so that 'HM Coroner's Office' is not visible, or find a replacement (many thanks for spotting that this photo is only relevant to England!)

I'll await your final corrections to the second/third bullets on p.238. If you can send those to me tomorrow that would be much appreciated.

Best wishes

[Redacted - S.38(1)(b)]

[Redacted - S.38(1)(b)]

Health Improvement Officer

NHS Health Scotland

[Redacted - S.38(1)(b)]

[Redacted - S.38(1)(b)]@nhs.net

@NHS_HS www.healthscotland.scot

Working for a fairer healthier Scotland



From: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk [mailto:[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk]

Sent: 15 January 2019 13:05

To: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

[Redacted - S.38(1)(b)]

Thanks for this. The information looks much clearer now.

I think that the birth registration section works well where it is. The information on page 238 is about parentage and parental responsibilities and rights, and then that moves logically to registering the birth on page 239.

I've suggested some changes below. As you discussed with [Redacted - S.38(1)(b)], we are still considering one point – the text of the second and third bullets on page 238. I hope to be able to get back to you on that tomorrow.

Many thanks

[Redacted - S.38(1)(b)]
44097

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Page 237

1. In the “you need to know” box, delete the word “right” and make the word “Rights” lower case so the text reads “Responsibilities and rights for your baby...”.

Page 238

2. Delete the extra full stop in the second last paragraph in the first column.

Page 239

3. The picture appears to be an English office – there is a reference to “HM Coroner’s Office” which isn’t a thing in Scotland – we should really use a Scottish picture.

From: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Sent: 14 January 2019 18:08

To: [Redacted - S.38(1)(b)] <[Redacted - S.38(1)(b)]@gov.scot>; [Redacted - S.38(1)(b)]
[Redacted - S.38(1)(b)] ([Redacted - S.38(1)(b)]) <[Redacted - S.38(1)(b)]@gov.scot>

Subject: RE: Ready Steady Baby - information on parental responsibilities and parental rights

Hi [Redacted - S.38(1)(b)] and [Redacted - S.38(1)(b)],

Thank you very much for your corrections to the V1 proof of Ready Steady Baby. I’m now pleased to send you the V2 proof, which contains your corrections. The Responsibilities and Rights section can be found on pp.237 – 239.

A couple of notes:

- The two Need to Know boxes have been combined because of space constraints. However one line of text has been missed off, so I’ve requested this is reinstated.
- The Registering the Birth section has been moved to the end of the Donor insemination/Fertility treatment section; I’ve requested that this is moved back.

Could I please ask you to confirm that you do not have any further changes to make to the Responsibilities and Rights content and that you are happy to sign it off by cob tomorrow: **Tuesday 15 January**. Apologies the timescale is so tight – but this is to allow us to meet our imminent print deadline.

If you’ve got any questions, please don’t hesitate to let me know.

Thanks again for all your help with finalising this content.

Best wishes,

[Redacted - S.38(1)(b)]

From: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk [mailto:[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk]

Sent: 28 November 2018 13:50

To: [Redacted - S.38(1)(b)] (NHS HEALTH SCOTLAND) <[Redacted - S.38(1)(b)]@nhs.net>

Cc: [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk; [Redacted - S.38(1)(b)]@scotland.gsi.gov.uk;
[Redacted - S.38(1)(b)]@scotland.gsi.gov.uk

Subject: Ready Steady Baby - information on parental responsibilities and parental rights

[Redacted - S.38(1)(b)]

1. Thanks for sight of this draft. I’m sorry we didn’t meet your deadline.

2. We think that the information on PRRs in the current draft isn't as clear as it could be and have suggested a number of changes in the document attached.

3. We are content that the additional line be added to the Ready Steady Baby website.

4. The website refers to "Parental Rights and Responsibilities". This should be the other way around – parental responsibilities and rights.

5. The website also says:

"If you aren't married at the time of birth, PRRs are automatically granted to the mother but require the father's name to be on the birth certificate for him to have PRRs as well" and ". . . the mother assumes all Parental Rights and Responsibilities unless the father is named in the register." That isn't right and should reflect the variety of ways a father can get PRRs as set out in the revised draft attached. We'd be happy to check revised text for the website.

6. Not for the current edition of Ready Steady Baby, but to note:

- We recently consulted on potential changes to the Children (Scotland) Act 1995. The consultation included a question about the possibility of giving PRRs to all fathers.
- We are currently consulting on civil partnership. One of the options in the consultation is to open civil partnership to mixed-sex couples.

7. I hope that's helpful. I'd be happy to discuss any of this.

Best wishes

[Redacted - S.38(1)(b)]

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[Redacted - S.38(1)(b)]

Family Law

Scottish Government

[Redacted - S.38(1)(b)]

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steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is
gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air
an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.
Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air
a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-
èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-
d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Item 25

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

Implementation Group meeting agenda

5 March 2025 10:00 am – 11:00 am

1. Introductions.
2. Updates from the bodies represented at the Group.
3. Outcomes from the focus groups
4. Further work on public awareness.
5. Any other business.

Scottish Government
March 2025

Item 26

From: [Redacted S38(1)(b)]
[Redacted S38(1)(b)@socialworkscotland.org>
Sent: 17 February 2025 14:38
To: [Redacted S38(1)(b); [Redacted
S38(1)(b)]@dundeeecity.gov.uk
Cc: [Redacted S38(1)(b)] [Redacted
S38(1)(b)]@dumgal.gov.uk; [Redacted S38(1)(b)]
Subject: RE: Equal Protection - any further work to improve
implementation

Thanks [Redacted S38(1)(b)] this has captured the key points I had noted.

Best wishes,

[Redacted S38(1)(b)]

[Redacted S38(1)(b)]

Protecting Children Policy and Practice Advisor
Social Work Scotland

Mobile no:[Redacted S38(1)(b)]

Social Work Scotland, Norton Park, 57 Albion Road, Edinburgh, EH7 5QY

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From:[Redacted -S38(1)(b)@gov.scot
Sent: 12 February 2025 16:33
To: [Redacted -S38(1)(b)]@socialworkscotland.org>;[Redacted -
S38(1)(b)@dundeeecity.gov.uk
Cc: [Redacted S38(1)(b)@gov.scot; [RedactedS38(1)(b)]@dumgal.gov.uk; [Redacted
S38(1)(b)@gov.scot
Subject: Equal Protection - any further work to improve implementation

[Redacted S38(1)(b)]
[Redacted S38 (1)(b)]

Many thanks for your time today. I attach below a brief note on points which we could take forward and discuss at the next meeting of the Equal Protection Implementation Group on 5 March. Please let me know if I have got anything wrong or missed anything –[Redacted S38(1)(b)] and [Redacted S38(1)(b)] are welcome to comment too.

Points are:

- The Focus Groups said it would be useful to have a colleague from Education on the Implementation Group [I'll discuss that with an education colleague].
- When the public messaging is refreshed (eg to remove references to the legislation being "new"), we should also mention key principles such as children's rights; negative impact of physical punishment; positive parenting etc.
- In public messaging, we need to consider needs of persons in Scotland who may have come from elsewhere or have different cultures: this could include people from Ukraine; persons from elsewhere in the UK; minority ethnic groups etc. I noted we could speak to minority ethnic support groups on Equal Protection
- It would be helpful to provide some messaging to Social Work colleagues too. This also could outline key principles and could "join up the dots" with other areas: UNCRC; Care and Justice Act; ACR; review of section 12 of the 1937 Act etc
- Consistency remained an issue but may be hard to tackle.
- There were lessons from implementation (eg SG need to have early conversations with key organisations on what any legislation would do and what it would mean in practice] which could be relevant for other areas.

Finally, we'll send you a separate email on having a discussion on child contact cases and the civil/criminal interface in relation to domestic abuse.

Please shout if I've missed anything/got anything wrong.

[Redacted S38(1)(b)]
Family Law Policy
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[Redacted S38(1)(b)]

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Item 27

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

Implementation Group meeting: 28 November 2019

Discussion paper 2: monitoring

Background

1. The Children (Equal Protection from Assault) (Scotland) Act 2019 received Royal Assent on 7 November 2019. The removal of the reasonable chastisement defence will come into force on 7 November 2020.

2. This paper sets out possible ways to monitor the effect of this Bill for the purposes of discussion at the meeting of the Implementation Group scheduled for Thursday 28 November 2019. This paper does not represent the Scottish Government's settled views on monitoring; rather, it is intended to prompt and support discussion.

Possible factors to be monitored

- Police reports
- Prosecutions (including diversions from prosecutions)
- Referrals to the children's reporter
- Public awareness (see separate paper on awareness raising)
- Child wellbeing
- Attitudes towards physical punishment

Challenges

3. Monitoring the effect of the Bill in some contexts presents challenges because:

- There is no available evidence about the use of the reasonable chastisement defence in Scotland.
- In the context of police reports and prosecutions, the applicable offence will be one of assault. This is broad and covers matters not relating to actions intended to constitute physical punishment, meaning that identifying relevant cases could be challenging.
- Isolating the impact of the removal of the defence on factors like child wellbeing could be challenging due to the wide variety of factors which contribute to this.
- There is little up-to-date evidence on public attitudes in Scotland towards physical punishment.

Specific areas: monitoring possibilities

[Redacted- S30(b)(ii)]

Child wellbeing

4. The Growing Up in Scotland survey (<https://growingupinScotland.org.uk/> previously included questions about physical punishment; recent surveys have not included this and reintroducing a question about attitudes and use may not result in reliable data due to the publicity surrounding the Bill.

Attitudes towards physical punishment

5. One option could be a survey on attitudes, but the outcome of any such survey is vulnerable to inaccuracy due to the publicity surrounding the Bill and the possibility that people may answer based on what they believe to be socially acceptable rather than what they actually do.

Miscellaneous

6. The Scottish Government notes the following other ad hoc matters which could potentially be monitored:

- Correspondence received by Scottish Government
- Any relevant court action
- Public petitions
- Requests for support and assistance by individuals to third sector organisations

Conclusion

7. Implementation Group members are asked to consider this paper in at the Group meeting on 28 November 2019.

Scottish Government
Family law
November 2019