

SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE**DATA PROTECTION FORM**

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Date:	23/01/2019
Organisation: (if required)	Coalition for Racial Equality and Rights (CRER)
Topic of submission:	Children (Equal Protection from Assault) (Scotland) Bill

- I have read and understood the privacy notice about submitting evidence to a Committee.
- I am happy for my name, or that of my organisation, to be on the submission, for it to be published on the Scottish Parliament website, mentioned in any Committee report and form part of the public record.
- I understand I will be added to the contact list to receive updates from the Committee on this and other pieces of work. I understand I can unsubscribe at any time.

Non-standard submissions

Occasionally, the Committee may agree to accept submissions in a non-standard format. Tick the box below if you would like someone from the clerking team to get in touch with you about submitting anonymously or for your submission to be considered but not published. It is for the Committee to take the final decision on whether you can submit in this way.

- I would like to request that my submission be processed in a non-standard way.

EQUALITIES AND HUMAN RIGHTS COMMITTEE**CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) BILL****SUBMISSION FROM The Coalition for Racial Equality and Rights (CRER)****Do you support the Bill's aim to end the physical punishment of children by parents or carers?**

CRER is supportive of this Bill.

Do you see any additional impact on groups with protected characteristics?

If enacted with proper consideration for race equality, we believe this Bill will have positive outcomes for all children and their families. However, for BME children to enjoy the same benefits as white children, significant consideration must be given to the potential negative impact of institutional racism and the need for intercultural competency training for practitioners.

Practitioners may find it challenging to address physical punishment within BME families. A 2009 report from the Joseph Rowntree Foundation found that physical punishment and discipline were the issues mentioned most frequently in relation to cultural challenges faced by practitioners, especially in ethnically diverse areas.¹

In some cases, white practitioners may hesitate to challenge physical punishment (and even physical abuse and neglect) for fear of being seen as racist. Despite inquiries and training following cases such as Victoria Climbié² and Khyra Ishaq³, there are concerns that social workers are not fully equipped to work with families from BME groups, and are wary of addressing cultural and religious practices and beliefs that may be understood as harmful to children.⁴

By maintaining a baseline of what is acceptable parenting and what is harmful to children, the hesitancy to address cultural or religious practices can be more readily addressed. As such, removing the 'justifiable assault' defence and guaranteeing equal protection from assault would provide more clarity to practitioners and better equip them to address harmful practices.

High quality training is needed to mitigate the fear of being seen as racist, as this can prohibit the protection of children. It is worth noting that failing to protect BME children due to fear of being perceived as racist is in itself a form of institutional racism.

¹ Joseph Rowntree Foundation (2009). [Assessment of parenting and parenting support needs: A study of four professional groups](#).

² The Guardian (2002). [Police 'were racist' in Climbié case](#).

³ The Guardian (2010). [Khyra Ishaq review reveals how mother intimidated professionals](#).

⁴ Community Care (2011). [Avoiding cultural and racist traps in child protection](#).

In its “State of Children’s Rights in Scotland 2016” report, Together notes that there is a need for services that are confident in cultural awareness.⁵ CRER believes that intercultural competency training, alongside evidence-based anti-racism training, can fill this gap. Intercultural competency training is a structured approach to developing intercultural competence, which is the ability to engage positively across perceived cultural boundaries. Training participants learn how to develop the attitudes, skills and knowledge needed to respond competently to both difference and commonality in values, beliefs, and practices.

We would be interested in knowing more from the Scottish Government regarding plans to train and upskill practitioners who will be engaging with BME families on this issue.

Are there any equalities and human rights issues raised by the approach taken in the Bill that should be considered?

Any potential negative or differential impact on BME groups can be addressed by the provision of mandatory intercultural competency training and anti-racism training for practitioners who will likely encounter instances of physical punishment of children.

We would ask that the Committee question the Scottish Government on its plans to deliver such training to ensure there is not a differential impact for BME children.

Please tell us about any other comments you feel are relevant to the Bill.

CRER would like to recognise the Equality Impact Assessment (EqIA) published alongside this Bill. In contrast to other EqIAs we have encountered, this assessment included sections for various protected characteristics and attempted to answer questions related to the needs of, experiences of, and potential impact on groups with particular protected characteristics.

We were pleased to note the inclusion of several points CRER raised during the initial consultation on John Finnie MSP’s Members Bill, including:

- The lack of evidence related to physical punishment and BME groups, and the need for further research to understand the potential equalities implications
- The potential impact of institutional racism (presumptions about the prevalence of physical punishment amongst different ethnic groups) and the need for training practitioners as a result

We also acknowledge that the EqIA states that, “Information and support will need to be available in required languages and awareness raised within all communities.” *Further to this point, we hope that plans will be put in place to deliver intercultural competency and anti-racism training to relevant practitioners to ensure BME families are treated fairly and without discrimination and that BME children benefit equally from this Bill.*

⁵ Together (2016). [State of Children’s Rights in Scotland](#).