**SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE**

**DATA PROTECTION FORM**

|  |  |
| --- | --- |
| **Name:** | **Lois DrakeDate:** |
| **Date:** | **17/01/19** |
| **Organisation: (if required)** | **National Deaf Children’s Society** |
| **Topic of submission:** | **Children (Equal Protection from Assault) (Scotland) Bill** |
| [x]   **I have read and understood the privacy notice about submitting evidence to a Committee.** [x]  **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.**[x]  **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 submissionsOccasionally, 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 NATIONAL DEAF CHILDREN’S SOCIETY**

The National Deaf Children’s Society is the leading charity dedicated to creating a world without barriers for deaf children and young people. We want to work with Government, local authorities, health bodies as well as our third sector partners to ensure they can effectively support deaf children and their families.

**Context**

* There are as many as 3850 deaf children in Scotland;
* 90% of deaf children are born to hearing parents with little or no experience of deafness;
* Deafness is not a learning disability, but deaf learners consistently do worse than their hearing peers at school;
* Deaf children have poorer life chances: fewer go on to university and deaf adults experience higher than average unemployment;
* Deaf children and young people are more likely to experience mental ill health than their hearing peers;
* The early years is a critical time for deaf children to develop the language and communication skills they need for life.

**Do you support the Bill’s aim to end the physical punishment of children by parents or carers? It will do this by abolishing the defence of reasonable chastisement. Please provide an explanation for your response. What groups would be impacted by the change (for example, parents, children, public services, the legal profession, etc)?**

Yes. All children whether disabled or otherwise children should not be smacked as this is a form of physical punishment. Any legislation which might improve this but may seek to exclude disabled children as they can bring additional stresses to the parenting role would be a dangerous precedence and not recognise disabled children’s rights as children.

We recommend comprehensive guidance is produced for both parents, carers and children/young people. This should be presented in an accessible way and should outline young peoples’ rights and sign posting to organisations who can support them. Guidance should also stress the need for clear referral routes for concerns to be raised by those working with deaf children.

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

Given research says disabled children at greater risk of suffering all forms of abuse, the current defence in law could be more detrimental to disabled children. Most physical abuse occurs within the family and smacking is a form of physical punishment that can fall either side of acceptable chastisement or stray into actual physical abuse. Therefore introducing a total ban will afford disabled children with additional safeguards which is necessary given their increased risks. This is in line with the Scottish Government’s GIRFEC policy.

In terms of deaf children, communication barriers can result in them failing to develop good emotional health and wellbeing and become more vulnerable and in need of protection. Deaf children are two times as likely to experience abuse as hearing children, with evidence also suggesting that this figure could be as high as 3.4 times.[[1]](#footnote-1) In addition, 40% of deaf children and young people will experience mental ill health compared with 25% of hearing children (NHS 2004).

Many deaf children can also present with behavioural issues which are linked to the social and emotional development delays that occur due to the challenges they experience growing up in a hearing world. This can lead to issues with emotional literacy and regulation. Emotional literacy can be defined as an ability to recognise, understand, handle and appropriately express our own emotions to those around us. There is considerable evidence that these skills are delayed in deaf children of hearing parents, related to the impact of deafness on language and cognitive development and on relationship and interactions with parents.

This perceived inability of deaf children to communicate can make them a target for abuse. Professionals may fail to identify the signs of abuse or mental health problems in deaf children because of communication barriers. If a deaf child is withdrawn, this may mistakenly be attributed to their deafness. Non-specialist social care staff may not be able to recognise the seriousness and possible risk of some circumstances to deaf children that otherwise would not meet the usually high levels of eligibility criteria for a service to hearing children.

Disclosure of physical punishment is therefore an area which should be given close attention by professionals working with deaf children, given the communication barriers that deaf children can face.

**Positive mental health within the family**

Parents and the wider family are crucial in the promotion of positive mental health for deaf children. However, 90% of deaf children are born to hearing parents with little or no experience of deafness. Parents need access to immediate support and impartial information about deafness following identification of their child, including the impact on the emotional health and wellbeing of the child and family as a whole.

A thematic review by Ofted in 2012 found some key reasons behind contemporary versions of failing to recognise abuse of disabled children:

* *Tolerance* of poor parenting or low expectations/lack of progress goes on much longer than with non-disabled children
* *Less likely* to become the subject of child protection plans
* Failure to identify risk, particularly of *neglect*
* Not seeing the ‘child’ but seeing the disability
* Plans not detailed and not focused on outcomes

In fulfilling the equalities duty, specialist understanding of deaf children and families matters.

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

No answer.

**Will the Bill result in any resource implications for your organisation or you as an individual? If so, please explain and provide any supporting information.**

N/A.

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

We recommend strong awareness is referenced about the additional steps that may be required to keep disabled children and young people safe from physical punishment, particularly given that research illustrates they are more vulnerable to abuse and harm.

There should also be strong acknowledgement within accompanying guidance that keeping children and young people safe goes beyond child protection and should have a strong emphasis on emotional wellbeing and physical safety too so that children and young people can flourish in environments that support them to reach their full potential.

1. 3 Sullivan P.M., Brookhouser P., Scanlan J. (2000) Maltreatment of deaf and hard of hearing children in: P. Hindley, N. Kitson (Eds) *Mental Health and Deafness* (pp. 149-184), London: Whurr). [↑](#footnote-ref-1)