

CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019 ARGYLL AND BUMELTIAGENCY OPERATIONAL GUIDANCE

On 7 November 2020, the Children (Equal Protection from Assault) (Scotland) Act 2019 (from here on referred to as 'the Act'), was introduced. The Act provides children with the same rights as adults against assault by a parent or person with charge or capf them.

The Act will repeal Section 51 of the Criminal Justice (Scotland) Act 2003, which provides a parent or carer a defence in court allowing them to justify an assault on a child as 'reasonable chastisement' or 'justifiable assault' in exercisinghteir parental rights.

This is a significant change and you, along with every individual involved in working with children in any capacity if you witness an assault on a child by a parent or carer, or if such a matter is reported to you.

First and foremost, when dealing widthildren for Equal Protection (EP) incidents or any other matter, it must be remembered that ensuring e r is-2.4 ()-1.9 (tf-1 (i(ma)-2(tf-1 (i1 (i(ma)(tf-1(e)0)-1.9 (tf2 /MCID 9 >>BDC -1 information to suggest child protection concerns need to be correctly (on receipt of an EP report Police will carry out an investigation, see below).





Whilst not an exhaustive list, factors to be considered in making an immediate assessment should include.

- Is the offence a minrophysical assault?
- Is the childrijured and requiring medical attention?
- Is there any evidence of physical injury or adverseous fencluding fear or alarm?
- Do the circumstances of the assault raised CProtection concerns?
- Are there any other risk or safety consideration relation to children?
- Has the person responsible for the assault previously been investigated (to your knowledge) for offences against children?

OFFICIAL: POLICE AND PARTNERS
May 2021