

## CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019 ARGYLL AND BUTE MULTI-AGENCY 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 care of 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 exercising their parental rights.

information to suggest child protection concerns need to be considered (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 minor physical assault?
- Is the child injured and requiring medical attention?
- Is there any evidence of physical injury or adverse effects including fear or alarm?
- Do the circumstances of the assault raise child protection concerns?
- Are there any other risk or safety considerations in relation to children?
- Has the person responsible for the assault previously been investigated (to your knowledge) for offences against children?

