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Public Health
Wales

Freedom of Information request to Public Health Wales

FOI Reference:	FOI 083
Date request received	30/January/2018
Date information is due to be sent	27/February/2018

Information requested:

I would like to submit the following Freedom of Information request. The Welsh Government has announced a consultation on removing the defence of reasonable chastisement from parents, which currently allows them to administer minor physical punishment, such as smacking. In the first five years of introducing a ban in New Zealand, which has a similar legal system, police investigated nearly 600 allegations.

Please can you provide me with a copy of, or details of the assessment that your organisation has carried out on these plans, in particular I am keen to see how this will impact the following: a) the need for additional staff, b) the need for additional financial resources, c) how current guidance to members/staff will need to change especially those relating to reporting on parents and d) should your organisation receive a complaint about a member/staff member what the procedures would be for dealing with this and what support for the member/staff member would be available if they are suspended during the investigation?

Information provided for the answer:

Thank you for your email dated 30th January 2018. I regret to inform you that we do not hold the information you requested as we have not carried out any assessments on these plans.

In relation to the possible introduction of a smacking ban in Wales following the

consultation, any allegations of abuse of any staff in Public Health Wales will be dealt with by following the All Wales Child Protection Procedures (2008) and the All Wales Procedure for NHS Staff to raise Concerns.

I am not aware of any resilience measures being considered by Public Health Wales as this is a consultation and therefore not embedded in any law as yet.

The above mentioned documents are available at:

<http://www.childreninwales.org.uk/wp-content/uploads/2015/09/All-Wales-Child-Protection-Procedures-2008.pdf>

<http://howis.wales.nhs.uk/sitesplus/888/page/54691>

Under the United Nations Charter on the Rights of the Child to which the UK is a signatory all children have the right to life (article 6) and to be protected from abuse (article 19). Article 37 also states that children should not suffer torture or other cruel, inhuman or degrading treatment or punishment. Any referrals resulting from abuse of a child by anyone would be dealt with under the existing All Wales Child Protection Procedures. There are staff, resources and procedures already in place to handle such referrals and to process referrals regarding members of staff who are alleged to have abused children including in their private lives. In these circumstances members of staff are supported by their managers and HR departments. Staff receive safeguarding training to a level and at a frequency appropriate to their role and any changes to legislation would be included and discussed in that training however staff are aware of their duty to report suspected abuse of a child to the police or social services and of how to get support from within the organisation if they need it in order to do so.

In regards to the disciplinary procedure following an allegation, the staff member/s would follow the All Wales Disciplinary Policy and Procedure. This can be found here:

[All Wales Disciplinary Policy and Procedure](#)

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of the decision, you should write to the Corporate Complaints Manager, Public Health Wales NHS Trust, 3, Number 2, Capital Quarter, Tyndall Street, Cardiff, CF10 4BZ.

If you are not content with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Trust. The Information Commissioner can be contacted at:

Information Commissioner for Wales

2nd Floor
Churchill House
Churchill Way
Cardiff
CF10 2HH

Telephone: 029 2067 8400

Email: wales@ico.org.uk