

Freedom of Information request 91-19

Request

I would like to submit the following Freedom of Information request.

John Finnie MSP has tabled legislation to remove the defence of reasonable chastisement from law, which currently allows parents 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?
- 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?

Response

a & b) NHS Borders have not completed an assessment on the above plans.

c) Staff will continue to be advised to follow the Scottish Borders Child Protection Procedures.

d) If the complaint was received regarding an incident out with the workplace there would be no requirement by the employer to investigate the allegations.

If the complaint/allegation is related to an incident within the workplace by a member of staff in relation to a patient then we would follow the Management of Employee Conduct Policy. If the employee is suspended whilst the allegations are investigated support would be provided by their Line Manager, Occupational Health and Human Resources.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **91-19** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within

six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.