

<b>Reference:</b>	FOI.18042.25
<b>Subject:</b>	Smacking ban
<b>Date of Request:</b>	8 August 2025

**Requested:**

The Fol search should cover the last 12 months only.

1. Please could you provide me with a copy of the original data and impact assessment used to prepare your response to the Welsh Government's review of the smacking ban?
2. Please could you provide me with a copy of all correspondence from the Welsh Government relating to the request for data/evidence and what should and should be included?
3. Please can you provide me with all internal correspondence between member of the senior management relating to the smacking ban and its impact?
4. Please can you provide me with copies of your organisation's guidance on dealing with complaints involving smacking?
5. Please can you provide me with the number of reports your organisation has received relating to smacking involving either
  - a. staff members or
  - b. members of the public?
6. Finally, please can you send copies of all internal emails from your communications/PR department to the senior management team relating to how to handle inquiries into smacking cases?

**Response:**

Hywel Dda University Health Board (UHB) does not hold information relating to a Welsh Government (WG) review of the smacking ban. The UHB is aware that a consultation for the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 took place in 2019, which was subsequently enacted in 2022. Therefore, as your request is for the period covering the last twelve (12) months, the UHB does not hold information in response to questions 1 to 3 of your request.

The UHB is unable to provide you with all the information requested for question 5, as it is estimated that the cost of answering your request would exceed the "appropriate limit" as stated in the Freedom of Information Act 2000 and the Data Protection (Appropriate Limit and Fees) Regulations 2004. The "appropriate limit" represents the estimated cost of one person spending 18 hours (or 2½ working days) in determining whether the UHB holds the information, and locating, retrieving and extracting the information.

In order to provide you with the information requested for question 5, the UHB would need to undertake a manual search of the physical behaviour related incidents recorded on its Datix incident and risk reporting system, to identify any information relating to 'smacking' which may fulfil this part of your request, as it is not recorded centrally.

The UHB can confirm that it has identified one hundred and eighty-five (185) physical behaviour related incidents for the specified time period. It is estimated that a manual search of these records would exceed the 18 hours stipulated within the Freedom of Information Act 2000 (FoIA). Based on the number of records identified for the twelve (12) month period covering 1 September 2024 to 31 August 2025, conducting a search of digital records taking a minimum of ten (10) minutes per digital record, would far exceed the 'appropriate limit', costing the UHB the following:

185 @ 15 minutes per item = 30 hours  
30 hours @ £25 per hour = £750.00

The UHB is therefore applying an exemption under Section 12 of the FoIA, which provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit.

However, under Section 16 of the FoIA, we are required as a public authority, to provide advice and assistance so far as it is reasonable to individuals who have made a request under the FoIA, this can include assisting a requestor to further refine their request.

Unfortunately, the UHB is unable to provide advice on how you can refine your request for question 5 further. This is due to the UHB still requiring a manual trawl of incident records to be undertaken to identify any of the information requested.

Additionally, the UHB is withholding the personal information relating to third parties, which includes work email addresses. This decision has been made as it is not within the reasonable expectations of these individuals, who are either employees of the UHB or employees of third party organisations, that their personal information would be released into the public domain by the UHB; redactions have been applied accordingly within the attachments. This information is classed as personal data of a third party. Therefore, it is being withheld in accordance with the exemption set out in section 40(2) of the FoIA, by virtue of section 40(3)(a) of the FoIA, which permits a public authority to withhold personal data other than the requestor's where the disclosure would breach Data Protection principles.

This information is protected by the Data Protection Act 2018 (DPA)/UK General Data Protection Regulations, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles of the UK GDPR. This exemption is absolute and therefore, there is no requirement to apply the public interest test.

In reaching this decision, the DPA and UK GDPR define personal data as data that relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.

4. The UHB confirms that it adheres to the Wales Safeguarding Procedures. A link to the website has been provided below:

[Safeguarding Wales](#)

Additionally, the UHB has a webpage providing information on raising Safeguarding concerns. A link to the UHB's webpage has been provided below:

[Safeguarding - Hywel Dda University Health Board](#)

5. An exemption under section 12 has been applied.

6. The UHB has undertaken a search of its Communications Team email accounts for the most recent 12-month period and can confirm that no emails have been identified that fulfil your request. However, the search did identify six (6) emails relating to the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 which were sent to all staff members with email accounts across the UHB during the 2021 and 2022 calendar years. Copies of these emails have been provided, at Attachments 1 to 6.  
Please note:- redactions have been applied to the information that falls under the Section 40 exemption and to the information that does not relate to your request.