



MSPs' Update

Number 6 May 2004

The Breastfeeding Bill

Breastfeeding is a crucial public health issue in Scotland, and the Scottish NHS Confederation congratulates Elaine Smith MSP on the introduction of her Bill, which has raised the profile of breastfeeding and prompted valuable discussion about the attitudes of Scottish society to the rights of mothers to breastfeed and of children to be breastfed.

The Confederation consulted our members widely on their views of the Bill. We circulated a briefing, which described the Bill's proposals and posed a number of questions:

- Do you support the aims of the Bill?
- Do you think that the Bill will help to increase the uptake of breastfeeding? Will it contribute to improving Scotland's health
- Should the scope of the Bill be restricted to breastmilk alone, or is it correct to include cow's milk and infant formula as well?

We received a wide range of responses from individuals, groups and organisations, including: NHS Highland; Grampian Breastfeeding Strategy Implementation Group; the health visitors from East Ayrshire LHCC; the midwives at the Princess Royal Maternity Hospital in Glasgow; and the Early Years Team at Greater Glasgow NHS Board. Individual responses came from health care professionals including health visitors, midwives, GPs, dental consultants, medical and nursing directors, LHCC managers and health promotion staff.

This edition of MSPs' Update summarises the responses we received from our members, and sets out the Confederation's views on the Bill.

CONTACT THE SCOTTISH NHS CONFEDERATION

The Old Town Jail, St John Street
Stirling FK8 1EA
Tel: 01786 434940
Fax: 01786 849138
enquiries@scotnhsconfed.org
Charity Number 1090329

Views on the Bill

The responses we received from our members indicated overwhelming support for the Bill and its aims. Only three individual responses expressed disagreement or doubt about the Bill as an appropriate vehicle for promoting breastfeeding. The view of the remaining respondents was that increasing the uptake and duration of breastfeeding in Scotland is vital for health improvement, and that any measure that aims to promote this objective is to be welcomed.

Most respondents expressed the view that the Bill would, by removing barriers and making a clear pro-breastfeeding cultural statement, make a significant contribution to increasing the uptake and duration of breastfeeding in Scotland and, as a consequence, improving the long-term health of the nation. A small number, whilst supporting the aims of the Bill, questioned whether it, on its own, would have a direct impact on increasing uptake of breastfeeding. However most of these also expressed the view that it would send a positive message about the acceptability of breastfeeding which could help to develop a breastfeeding culture in Scotland – something that was widely noted to be lacking at present.

"We need to get more mums to breastfeed in the first place and the only way we can do this is to support and educate pregnant women... By encouraging mothers to breastfeed in public, our children will grow up seeing breastfeeding as the norm"

Infant feeding adviser

"Scotland is a deeply entrenched formula feeding culture and any legislation that protects the right of mothers to feed their babies from the breast can only be welcomed... the Bill is warmly welcomed by midwives who have spent the last decade trying to encourage mothers to breastfeed their infants"

Midwives at Princess Royal Maternity Hospital

To build positive working relationships with the Scottish Executive and Parliament

To inform debate on the future of the health agenda in Scotland

To work in partnership with other health related organisations

To provide informed and relevant comment to the media

Our Aims

THE SCOTTISH NHS CONFEDERATION REPRESENTS NHS TRUSTS AND BOARDS. THE CONFEDERATION IS DEDICATED TO IMPROVING HEALTH POLICY AND PRACTICE.



The scope of the Bill

On the question of whether it is appropriate for the scope of the Bill to protect the right to feed a child from a bottle with formula or cow's milk as well as breastmilk, there was a clear split amongst our respondents. Of those responses which directly commented on this issue, several agreed that the Bill should be inclusive of bottle/formula feeding on the grounds that mothers who do not breastfeed should not be stigmatised or discriminated against. The response from Highland NHS Board pointed out that the inclusion of bottle feeding helps to define the act of breastfeeding as being about feeding a child - they said: *"The fact that the Bill also includes infant formula emphasizes the fact that the feeding of children is not something that needs to take place in isolation from the rest of society"*

"I do not think that mothers who cannot or wish not to breastfeed should be made to feel guilty in society because of their preferred method of feeding"
Health visitor

"It is a fact of life that not every mother can breastfeed for a variety of reasons"
Service Manager

In contrast to these views, a slightly higher number of respondents expressed the view that the scope of the Bill should be restricted to breastfeeding and breast milk alone and that to include infant formula, in particular, would send the wrong message, reinforce Scotland's anti-breastfeeding culture and undermine the aims of the Bill. Several also argued that it is unnecessary to support the right to feed a child from a bottle as this is the cultural norm anyway and society has no objection to it.

"We should be actively promoting the benefits of breast-milk and not equate it in any terms with formula"

Grampian Breastfeeding Strategy Implementation Group

"I have never heard anyone objecting to a baby being given a bottle. It's acceptable to give a human baby animals' milk in a plastic bottle and yet what it ultimately should be having, human milk from a breast, needs a bill through parliament. What a strange country we live in!"

Development Officer for Antenatal and Postnatal Support for Vulnerable Families

"There is no need to include other forms of food and drink within the definition of feeding. I think that this is an unnecessary diversion"

Consultant in Dental Public Health

Other issues

Some respondents argued that the national arrangements for providing cheap or free infant formula to low-income mothers undermines the aim of promoting breastfeeding and improving health, and suggested that this was an issue that the Bill could do well to address.

"A tension among many of the health professionals is the sale of cut price formula milk from our premises... It is difficult to encourage young mums to persevere with breastfeeding when they can see their mates coming and getting free/cut price milk from the next room in the health centre. If the MSPs were to take action in this area it might have a much bigger impact"

Motherwell LHCC

"[I] would suggest that formula milk should not be provided by the state via any benefit system - replace this with the provision of free/subsidised healthy food for lactating mums"

Head of Clinical Effectiveness

Several respondents raised the necessity of providing a suitable environment and facilities for breastfeeding, in order to support the aims of the Bill, and suggested that this was another issue that the Bill could address.

"Ensuring that all big shops/workplaces/NHS/local government premises had facilities to allow breastfeeding/expressing would make a much bigger contribution to the position... Do we know if the new parliament building has these facilities open to the public/civil servants?"

Motherwell LHCC

Finally, a number of correspondents made the point that the legal protection of the right to breastfeed will not, on its own be sufficient and that the Bill must be supported and reinforced by education and campaigning at national and local level - and there were strong messages to MSPs and Ministers about their role in this work.

"Although the Memorandum names a number of MSPs who have given their support, there is a lot of work to be done if more children are to have the right to be breastfed - not merely in public places, but as a basic right to the best nutritional start in life"

Health Visitor, South Ayrshire LHCC

"There is absolutely no doubt that it will contribute to improving Scotland's health, but how it is promoted will be crucial. Where are the men in this? -government is full of them and they need to give it their backing"

Development Officer for Antenatal and Postnatal Support for Vulnerable Families



May 2004

The Confederation's view

There has been considerable critical publicity and comment about the Breastfeeding Bill, suggesting that it is not a good use of the Scottish Parliament's time. However, we found overwhelming support for the Bill and some strongly expressed views about why it is such an important piece of legislation from a wide range of health professionals, all of whom are directly involved in trying to improve Scotland's health. These are people who have first-hand experience of the challenge that health professionals face in trying to increase the uptake and duration of breastfeeding in Scotland in the face of persistent negative attitudes. They understand only too well that the right of a child to be given, as a health visitor from South Ayrshire LHCC put it, "*the best nutritional start in life*" is not yet a concept that is widely understood or accepted in Scottish society. They also understand that the aims of the Bill do not stand in isolation, but will support their wider work to improve health generally - as the midwives from the Princess Royal Maternity Hospital in Glasgow point out: "*Breastfeeding can go a long way to improving the health of our nation as there would be a significant reduction in childhood obesity, asthma, gastric upsets, heart disease, pre-menopausal breast and ovarian cancers*" A consultant in dental public health who responded to our consultation also pointed out the links between breastfeeding and dental health in children.

Establishing legal rights is often an important step towards changing culture and attitudes, leading in turn to a change in practices, and the Breastfeeding Bill could prove to be a powerful tool in that respect, particularly if the nation's elected leaders throw their weight behind it. **The Confederation commends the principles and purpose of this Bill to MSPs and urges them to support it.**

The one aspect of the Bill that proves less straightforward is its inclusion of infant formula and cow's milk within the protected right to feed. There have been convincing arguments made on both sides of this question. Clearly any piece of legislation passed by the Scottish Parliament must avoid discriminating against any particular group and, if it is the case that parents who wish to feed their children from a bottle in public places have experienced negative reactions or challenges to their right to do so, then clearly they should enjoy equal protection under the Bill. It certainly should not be the case that women who choose not to or cannot breastfeed their infants should ever be made to feel humiliated or discriminated against for doing so - as women who breastfeed so often are now.

Babies can of course also be fed breastmilk from a bottle, often by a father or other carer, so it is crucial that bottle-feeding *per se* is not demonised.

However, the Confederation leans towards the view expressed by many of our respondents that the right to feed a baby from a bottle is already accepted, and that the inclusion of foodstuffs other than breastmilk could serve as a distraction from the Bill's main aim. The central issue that the Bill sets out to address is the persistent cultural antipathy towards breastfeeding in Scottish society and the deleterious effect that this has on breastfeeding rates and, as a consequence, the health of mothers and children. The establishment of the legal right of a mother to breastfeed her child and of a child to be breastfed makes a powerful statement against that prevailing cultural trend, and the Confederation has some concern that extending the scope of the Bill beyond this central issue could dilute and confuse that message. We do not by any means believe that the inclusion of foodstuffs other than breastmilk invalidates the Bill - it remains a commendable piece of legislation and commands our support - but we do believe that this particular aspect of it could benefit from further discussion.

On the issue of providing a suitable environment for breastfeeding, which was raised by a number of our respondents, the Confederation would fully endorse the view that the lack of comfortable, safe and, above all, private areas for breastfeeding is a central factor affecting the uptake and, particularly, the duration of breastfeeding. We are not convinced that it can be tackled within the scope of this Bill - clearly, requiring commercial premises, workplaces and elsewhere to actually provide areas for breastfeeding, for example, is a more complex matter than simply establishing a legal right to breastfeed, and we would not like to see the passage of this important Bill delayed by further complicating the central issue that it addresses - but the Executive should certainly consider the introduction of other mechanisms to effect change on this matter.

Finally, we remind MSPs that, important step though this Bill is, it is only, as one of our respondents described it, the tip of the iceberg. Concerted effort at national and local level is required if Scotland's poor rates of breastfeeding are to be increased and the health of mothers and children improved as a result. We hope that MSPs will acknowledge and take seriously the importance of breastfeeding's central role in improving Scotland's health.