

Information for New Mothers, Pregnant Women and Families – Information about Feeding a Child in Public and Private Spaces



The Breastfeeding etc. (Scotland) Act 2005

Why is the Act needed?

A key benefit of breastfeeding is that it can happen at any time and in any place, but both you and your baby need to feel relaxed.

We know that any embarrassing interruption during breastfeeding is likely to upset some mothers particularly when they have a crying hungry baby.

However, don't feel that you are expected to feel 100% confident in the early days. It's perfectly normal to prefer to breastfeed only where you feel most comfortable. Hopefully, as you get more used to doing it, you're likely to feel more confident about breastfeeding in front of other people when you're out and about.

What happens if you are stopped from feeding a child in public space?

In Scotland breastfeeding and bottle feeding are both protected by the **Breastfeeding etc. (Scotland) Act 2005**.

If a person deliberately prevents or stops someone from feeding a

child under the age of two in a public place in Scotland they are committing a criminal offence. If a mother is asked to move to another part of the premises, or leave the premises completely this is also an offence. This applies to places that the mother and child has the legal right to be in.

This means that any person should be able to feed a child when required and in the most appropriate place for them, without the fear of interruption or criticism.

Anyone trying to stop a mother breastfeeding or a child's mother or carer from bottle feeding can be prosecuted and, if found guilty, ordered to pay a fine. If the mother or carer wants to report the matter to the police, she may find it helpful to collect information to support the complaint, for example, the name of anyone who witnessed the incident and what they saw and heard happening. They can also complain to the manager of the premises.

Where and when does the act not apply?

- The act does not apply to children over the age of two.
- Some private spaces are not covered by the act. This mainly applies to spaces where the mother or child would not normally have the right to be such as factories.

However, other forms of protection may apply for the over two's. Under the Equality Act 2010 a court may agree that if you cannot feed your child that you are being unfairly discriminated against.

Here are some ideas to make feeding when you are out and about more comfortable:

You shouldn't ever be made to feel uncomfortable about breastfeeding or bottle feeding in a public space or your home or someone else. Unfortunately many people in Scotland just have not had the opportunity to see breastfeeding as a normal way to feed a baby.

The best approach for dealing with those who may object to you

feeding in your own home or when visiting their home is to make it clear before the situation arises that you will need to feed the baby.

Opening up a conversation enables:

- Your visitors to choose whether or not to come to your home. It gives visitors the opportunity to be prepared to support you or to choose to leave when you need to feed the baby.
- You to be prepared in case anyone raises any objections to you breastfeeding. You can choose not to invite the guests or not to go to their home.
- You to have the opportunity to discuss the issue and to change attitudes so that family and friends make you feel welcome and supported.

During the baby's early days, until you feel more confident – you may prefer to breastfeed only where they feel most comfortable. But, as you get more used to doing it, you are likely to feel more confident about breastfeeding in front of other people when you're out and about.

Know your rights – although it is illegal for anyone to ask a person not to feed or to leave a public space to feed a child, if this happens do your best to remain composed and polite. Explain, that you're feeding your baby, and then simply turn away from the complainant. Avoid escalating the situation and try to focus on yourself and your baby.

If the situation does not resolve then ask to speak to the manager and explain the law. However, if the manager is unhelpful or you are upset then ask whoever is with you to deal with it or leave and deal with it later. You need to take down some details including staff names and witnesses details. You will need this information if you are going to take the matter to the police.

Plan ahead – sit in a place where your baby won't be distracted.

Before you go out, it can help to think about where you will feel comfortable feeding when your baby gets hungry.

Take a water bottle so you stay hydrated. Enjoy a meal or snack to give you energy.

Take someone with you – it can help to go with a friend who has an older baby and can take you to places that she already knows. You could go with someone else, such as your mum, partner, sister or friend, so that there's always someone to talk to.

Clothing and wraps – Some mothers like to wear loose tops and bras that can be lifted up for breastfeeding. Some baby slings are designed in such a way that you can breastfeed while your baby is still in the sling. Some mums feel more comfortable laying a scarf or muslin cloth over their chest while they're breastfeeding.

Be confident. Be proud of the beautiful baby you have made and what a great parent you are no matter how you have chosen to feed your baby. **Don't feel that you should sit in a public toilet or other inappropriate place to breast or bottle feed. You wouldn't eat in there, so don't feel that your baby should be fed there.**

The Scottish National Breastfeeding website offers useful advice and links to other resources for pregnant women and new mothers:

www.feedgood.scot