



1st October 2009

Clerk of the Committee
Equality of Opportunity Committee
National Assembly for Wales
CF99 1NA

Dear sir/madam

RE: Inquiry into Discrimination against People Living with HIV in Healthcare Settings and in Other Settings by Healthcare Professionals

The Welsh NHS Employers' Unit surveyed NHS organisations on the issues raised in the letter from Ann Jones dated July 2009. A number of organisations may have responded directly and therefore this letter details the Unit's views based on its findings.

NHS organisations in Wales are committed to promoting and delivering disability equality, which includes eliminating unlawful discrimination against people living with HIV and AIDS. They welcome their responsibilities and obligations under the Disability Discrimination Act (as amended) 2005, and will have equality schemes in place which will reference people with HIV and ensure against discrimination.

NHS organisations recognise that as an employer and health body they have a duty to counter discrimination and stigma against staff that are or may become HIV positive. They also recognise the need to protect patients, donors and service users and to retain public confidence as well as providing safeguards for the confidentiality and employment rights of HIV infected health workers.

Most, if not all, NHS organisations will have policies to support the employee and the employer by providing relevant information around rights, procedures and responsibilities. These policies ensure there is no ambiguity amongst the workforce as to how this particular issue is dealt with in the workplace and aim to counteract the fear and ignorance that is often associated with HIV. Some of the general principles that these policies will be based on include the following:-

- There is no risk to fellow workers or the public from contact with an employee who has HIV;
- HIV infection alone does not affect people's ability to do their job until they develop clinical symptoms that make them unfit;
- HIV should be treated as any other serious illness and except where patients may be exposed to potential risk of transmission of the virus, employees with HIV should not be treated less favourably than other employees;
- General measures to prevent occupational transmission of viruses are scrupulously adhered to all times;
- All healthcare workers are under an ethical and legal duty to protect their patients at all times;
- Healthcare workers with HIV must not rely on their own assessment of the risk they pose to patients.

As well as organisational specific policies, trusts and health boards will be adopting and implementing the Welsh Assembly Government's "Providing for the Needs of People with HIV/AIDS in Wales – National Care Pathways and Service Specification for Testing, Diagnosis, Treatment and Supportive Care (2009)".

In addition to policies specific to HIV, organisations will also have policies in place for the management of patients with suspected infectious and communicable diseases; policies for the control of communicable diseases in healthcare workers; policies for sharps and body fluid contacts; and theatre infection controls procedures.

With specific reference to primary and community care, organisations are guided by the Healthcare Associated Infections Community Strategy for Wales and have developed local Action Plans to implement the strategy. Each community care setting is required to have an infection control link nurse and each GP practice an identified infection control link person.

All Primary Care General Practitioner and dental practices are bound by the terms of the General Medical Services Regulations and General Dental Services Regulations, which have built in to them the requirement not to discriminate against patients.

Each GP/Dental practice and community care home is required to have Infection Control Policies and procedures in place. These policies cover issues designed, among other things, to prevent the transmission of blood borne diseases including HIV and AIDS. These policies and procedures should cover areas such as needle stick injuries, protective clothing, management of splashes, decontamination of environment, safe disposal of unused medication etc.

Also, all service providers commissioned by NHS organisations, as well as all staff who deal with patient information, are required to ensure the maintenance of patient confidentiality. Also, staff are required to ensure that they adhere to safe working practices, treat all patients including patients living with HIV and AIDS with dignity and respect and in a non-discriminatory manner.

NHS organisations will run training sessions to raise the awareness of equality issues and duties. These will include raising awareness of HIV. Other ways in which healthcare professionals and people working in healthcare setting are kept up to date regarding HIV and disability discrimination will include tutorials, e-learning and clinical training sessions (including protected learning time), training in relation to the implementation of related policies, multi-disciplinary team meetings lead by consultants with a special interest in HIV and through organisational representation at the All Wales HIV network.

All Equality, Diversity and Human Rights training has been fully mapped to the NHS Knowledge and Skills Framework (KSF), where equality and diversity is Core Requirement 6. As medical members of staff do not fall within KSF, specific equality and diversity programmes have or will be developed, in accordance with the Deanery's Competency Framework.

If you have any queries regarding the content of this letter, please do not hesitate to contact me on 01656 643800.

Yours faithfully

Kate Watkins
Director
Welsh NHS Employers' Unit