



26th November 2009

Ms A Jones AC/AM
Chair of the Equality of Opportunity Committee
National Assembly for Wales
CArdiff Bay
CF99 1NA

Dear Ms Jones,

Re: Inquiry into Discrimination against People Living with HIV and AIDS within Healthcare and Other Settings by Healthcare Professionals

Request for further Evidence from the NHS Confederation

Further to your letter dated 12th November 2009 in relation to a request for further evidence, please find below the Welsh NHS Confederation's response to the questions raised.

A. Evidence of discrimination against people living with HIV in healthcare settings

1. How do NHS organisations gather information about the experienced of people living with HIV who feel they have been discriminated against?

We are not aware that healthcare organisations in Wales have specific systems in place to capture such information. Organisations will, however, analyse progress and report to their Boards on the implementation of their single equality schemes and on complaints received.

2. How many complaints have been made to NHS organisations in Wales from people living with HIV who say they have been discriminated against and what were the outcomes of these complaints? If it is not possible for the NHS Confederation to provide this information in the time available, could you confirm that NHS organisations would be able to provide it if asked?

We do not have information relating to complaints made to NHS Trusts and Local Health Boards by individuals who believe that they have been discriminated against. We are not aware that any organisation currently captures such specific data, but all could, no doubt, review their register of complaints received to ascertain whether any such complaints have been received. We cannot comment on the length of time it would take each organisation to conduct such a review.

3. What opportunities or challenges does the reorganisation of the NHS in Wales present in terms of the prevention of, and collection of data about, discrimination against people living with HIV in healthcare settings?

The restructuring of NHS organisations in Wales was undertaken to facilitate an integrated approach to the delivery of health care. Whilst there might be some temporary challenges in gathering information that may occur during the amalgamation of different health bodies separate information systems, it is to be expected that, in future, whole system information gathering should be easier to accomplish.

4. Is the NHS Confederation aware of discrimination against healthcare professionals living with HIV?

The NHS Confederation has no evidence of discrimination against health care professionals living with HIV but is aware of anecdotal reports that such discrimination does occur. The NHS does have a duty to balance its legal responsibilities to its staff to prevent discrimination occurring with its responsibility to its patients to minimise the potential of transmission of any infectious disease.

B. Ways of tackling or preventing discrimination against people living with HIV in healthcare settings

5. How has discrimination against people living with HIV been addressed in the statutory disability equality schemes of NHS organisations in Wales? Please provide some examples.

All NHS organisations are developing single equality schemes which address all areas of potential discrimination. Organisations will seek to embed disability equality into the core business of their organisation, integrating its provision into all aspects of policy development and implementation, service delivery and employment practice.

6. How do NHS organisations assess whether healthcare staffs have an adequate level of understanding about clinical issues relating to the HIV virus and its transmission and the application of the Disability Discrimination Act 1995 as amended to people living with HIV?

NHS Organisations ensure that all staff receive appropriate training and guidance on the application of the Disability Discrimination Act 1995 (As Amended). Clinical training on HIV is provided to those staff who require such knowledge to undertake their duties effectively.

7. Are there any gaps in current guidance and policy documents about the HIV virus and the rights of people living with HIV which might be resulting in instances of discrimination or perceived discrimination against people living with HIV?

The Welsh NHS Confederation is not aware of any such gaps.

8. Is there scope for Local Health Board contracts with GPs and Dentists to be used as a way of preventing, or addressing, discrimination against people living with HIV in healthcare settings?

Using the GP and dental contract framework to prevent or address potential discrimination is possible but may not be an effective method of influencing behavior.

Primary care contractors receive training and guidance on disability and their performance in this area is monitored by the Local Health Boards. Many contractors have received Disability Awareness training through the EquiP Cymru scheme.

9. How is the effectiveness of training, education and awareness raising about HIV and the rights of people living with HIV evaluated by NHS organisations?

All training and development is targeted to the needs of the individual employee in carrying out their job. Training programmes are routinely evaluated for effectiveness.

10. How is discrimination against healthcare professionals tackled by NHS organisations?

Discrimination of all kinds is addressed in each organisation through the application of such policies as the single equality scheme, the dignity at work policy, the grievance policy and the disciplinary policy.

11. From the perspective of the NHS confederation, what could be done to help NHS organisations to ensure that discrimination against people living with HIV is prevented or tackled?

The Welsh NHS Confederation believes that the best way of preventing all forms of discrimination is to ensure that organisations work within an appropriate national framework, that appropriate methods of awareness raising and training are regularly delivered locally and by expert bodies, and by the establishment of focused local task forces or groups who act as champions within champions. It is also important that the Boards of the organisations take a particular interest in the application of their single equality scheme and require regular reports to be made on progress achieved.

Yours sincerely,



MICHAEL T.J. PONTON
DIRECTOR
THE WELSH NHS CONFEDERATION