

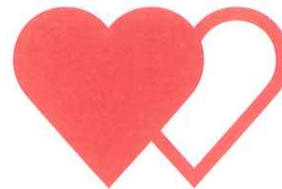
## Welsh Blood Service

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## Gwasanaeth Gwaed Cymru

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Secretary: 01443 622015

7 October 2014

William Powell AM  
Chair  
Petitions Committee  
Cardiff Bay  
CF99 1 NA

Dear Mr Powell

Thank you for your letter dated 30<sup>th</sup> September 2014 outlining the contents of a petition you have received from Scott Dymond and signed by 83 petitioners. The response of the Welsh blood Service is as follows:-

The Welsh Blood Service is regulated by The MHRA<sup>1</sup> who is the competent authority that ensures compliance of "Blood Quality and Safety regulations (2005)" as amended which apply the relevant European Directives. These regulations state that "Persons whose sexual behaviour puts them at high risk of acquiring severe infectious diseases that can be transmitted by blood" cannot be accepted as blood donors.

The Equality Act 2010 (c. 15) states in section 3

*"Blood services*

- 13 (1) A person operating a blood service does not contravene section 29<sup>2</sup> only by refusing to accept a donation of an individual's blood if—
- (a) the refusal is because of an assessment of the risk to the public, or to the individual, based on clinical, epidemiological or other data obtained from a source on which it is reasonable to rely, and
  - (b) the refusal is reasonable.
- (2) A blood service is a service for the collection and distribution of human blood for the purposes of medical services.
- (3) "Blood" includes blood components".

In the UK the risks associated with blood transfusion are determined by an expert committee known as SaBTO<sup>3</sup> who are an advisory group to the UK and devolved Government's respective departments of Health. This expert group assessed the risks on clinical and epidemiological grounds along with data on the current tests available for detection of transfusion transmissible diseases. This would include the risks associated with the transmission of viral diseases in gay men that practice safe sex. The review

<sup>1</sup> MHRA = Medicines and Healthcare products Regulatory Agency

<sup>2</sup> Equality Act 2010 section 29 Provision of services, etc.

(1) A person (a "service-provider") concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.

<sup>3</sup> SaBTO= Advisory Committee on the Safety of Blood, Tissues and Organs

considered evidence from all sectors of the community including the Terrance Higgins Trust<sup>4</sup> and Stonewall

The statement following the review is as follows.

*"SaBTO completed a review of the evidence base for the blood donor selection criteria relating to sexual behavior in May 2011. As a result, they recommended to UK Health Ministers a change to the current donor deferral for men who have had sex with men. Men whose last relevant sexual contact was more than 12 months ago will now be able to donate, subject to meeting the other donor selection criteria".*

This new guideline was approved by the Welsh Minister of Health and subsequently applied by the WBS in September 2011.

The evidence reviewed by SABTO is available on the internet at the following URL

<https://www.gov.uk/government/publications/donor-selection-criteria-for-men-who-have-had-sex-with-men>

This period of deferral following MSM<sup>5</sup> is now identical to those applied to high risk heterosexual behaviours. As a result of this change the UK has a more liberal approach to the acceptance of men that have had sex with men as compared to the approach of blood services in much of Europe and North America.

The petitioners refer to testing of the blood and whilst this has greatly improved over the years a negative result is still not an absolute guarantee that a virus may not be transmitted as there is still a small but significant window period. The window period is that time after an individual becomes infected during which the blood is infective but the viral levels (or antibodies) are undetectable by testing methods.

The Welsh Blood Service is committed to providing a safe blood supply to our hospitals and is reliant on prospective blood donors giving us honest answers when completing the Donor Health Check questionnaire.

Yours sincerely



Dr Stephen Field  
**Medical Director**  
Welsh Blood Service

<sup>4</sup> <http://www.tht.org.uk/our-charity/Campaign/Our-health-policies/Blood-donations/Different-for-gay-and-straight>

<sup>5</sup> MSM Males that have sex with Men