Management of AIDS/HIV Infected Healthcare Workers Policy
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1. **INTRODUCTION**

The Trust recognises its responsibilities as an employer to respond sympathetically and fairly to employees who are suffering from serious chronic disabling diseases and will apply the principles of this policy equally to employees suffering from such serious diseases. The continuing research into the disease may necessitate the revision and amendment of the conditions and requirements contained herein. The Trust will keep under review and monitor the effectiveness of its policy against further advice from the Expert Advisory Group on AIDS (EAGA) and UK Advisory Panel for Health Care Workers Infected with Blood-borne Viruses (UKAP).

This policy aims to outline appropriate legislation and guidelines for management of AIDS/HIV infected Health Care Workers.

The majority of procedures in the health care setting pose no risk of transmission of the Human Immunodeficiency Virus (HIV) and the risk of transmission from health care worker to patient is considered remote.

2. **PURPOSE**

The purpose of this policy is to;

- Adequately protect the health, safety and welfare needs of patients
- Retain public confidence in the Trust as a health care provider
- Safeguard for the confidentiality of, and the employment rights of HIV Infected Health Care Worker
- Ensure that employees who have AIDS or who are HIV positive receive sympathetic and fair treatment in respect of their state of health and their employment.
- Ensure employees are aware of the low level of risk to them posed by a fellow employee with AIDS, or who is HIV positive, and do not discriminate in any way against that person.
- Minimise the risk of patients being infected with HIV by employees who are HIV positive
- Ensure confidentiality regarding the condition of employees with HIV.

3. **SCOPE**

This policy applies to those members of staff who are directly employed as a Health Care Workers by the Trust and for whom the Trust has legal responsibility. For those staff not directly employed by the Trust but working in partnership, on an honorary basis, secondment, as a student or trainee or via an employment agency or contractor then the principles of this policy will
apply whilst undertaking duties on behalf of The Trust or working on The Trust premises and forms part of their arrangements with The Trust. However it is accepted that the policies of their employing organisation/professional body or place of study would apply.

4. RESPONSIBILITIES, ACCOUNTABILITIES AND DUTIES

4.1 Board of Directors

Overall accountability for Management of AIDS/HIV infected Healthcare workers within the Trust lies with Director of Workforce and Organisational Development.

The Trust will ensure existing and new employees (including agency staff) are aware of this guidance and of the professional regulatory bodies’ statements of ethical responsibilities by reviewing this policy in line with best practice guidance that is issued by the Department of Health.

4.2 Managers Responsibilities

- The Trust will ensure that adequate infection control procedures and training are provided to reduce the risk of an employee acquiring HIV infection as a result of their work so far as is reasonably practicable.

- Managers must ensure that all staff within the Trust are aware of the existence of this policy and where to access it.

- Where an employer is aware of the health status of an infected worker there is a duty to keep any such information confidential.

- Continued employment can make significant contribution to the health, confidence and esteem of employees who are living with AIDS/HIV related conditions therefore if it becomes apparent that employees cannot continue in their current role due to their condition then every practicable step must be taken to find a suitable alternative role including retraining if necessary.

4.3 Human Resources Department Responsibilities

- To provide appropriate support and guidance to managers and staff regarding the implementation of this policy.

4.4 Employee Responsibilities

- With the exception of members of staff whose duties involve performing or assisting with exposure prone invasive procedures, there is no obligation for those who are infected with HIV or who are suffering with AIDS or related conditions to notify the Trust.
• Should employees who are infected with AIDS/HIV wish to seek support or advice from the Occupational Health Service then confidentiality will be maintained at all times.

• Employees have a responsibility to each other to prevent victimisation. Any employee found to be discriminating against an employee on the basis that they suffer from AIDS/HIV will be subject to disciplinary proceedings.

• Employees with HIV infection or AIDS have responsibilities under the Health and Safety at Work Act, as with other infectious diseases, to ensure the health and safety of the general public and that of their colleagues.

• Health Care Workers should routinely follow general infection control guidelines and adopt safe working practices to prevent the transmission of HIV infection.

• Health Care Workers have ethical guidelines from their professional bodies
  • The General Medical Council (http://www.gmc-uk.org/)
  • The General Dental Council (http://www.gdc-uk.org/)
  • The Nursing and Midwifery Council (http://www.nmc-uk.org/)
  • The Health Professionals Council (http://www.hpc-uk.org/)

• Health Care Workers are required to read and understand these guidelines and comply with them.

4.5 Occupational Health Service

• The organisation will ensure that all matters arising from and relating to the employment of HIV infected Health Care Workers are coordinated through the Occupational Health Service.

• Occupational health practitioners, work within strict guidelines on confidentiality and have a key role in this process, as they are able to act as an advocate for the Health Care Worker and as an adviser to the employing organisation. They should adopt a proactive role in helping Health Care Workers to assess if they have been at risk of HIV infection and encourage them to be tested for HIV, if appropriate.

5. PROCEDURE/IMPLEMENTATION

This policy applies to all Health Care Workers employed by the Trust including Doctors, Nurses, and Midwives, Health Care Workers, Students and other Professionals who have direct clinical care of patients.

The circumstances in which HIV could be transmitted from a Health Care Worker to a patient are limited to exposure prone procedures in which injury
to the Health Care Worker could result in the worker’s blood contaminating the patient’s open tissues (“bleed-back”). HIV infected Health Care Workers must not perform any exposure prone procedures.

The evidence indicates that there is a far greater risk of transmission of HIV from infected patients to Health Care Workers than from infected workers to patients.

This policy should be read in conjunction with the following Public Health England guidelines accessible at:


All matters arising from and relating to the employment of HIV infected Health Care Workers should be co-ordinated through a specialist Occupational Health Practitioner. The HIV Practitioner providing the necessary care to an infected worker, with their consent, should liaise with the Occupational Health Practitioner and preferably they should jointly manage the case. HIV infected Health Care Workers should remain under regular medical and occupational health supervision in accordance with good practice. Occupational Health Practitioners should consider the impact of HIV positivity on the individual's resistance to infection when advising on suitability for particular posts, especially if the duties involve exposure to known or undiagnosed Tuberculosis.

Patient safety and public confidence are paramount and dependent on the HIV infected, or potentially infected, Health Care Worker observing their duty of self-declaration to an Occupational Health Practitioner. The trust promotes a climate that encourages such confidential disclosure. It is extremely important that HIV infected Health Care Workers receive the same rights of confidentiality as any patient seeking or receiving medical care.

Occupational Health Practitioners, work within strict guidelines on confidentiality and have a key role in this process, as they are able to act as an advocate for the Health Care Worker and as an adviser to the employing organisation. They should adopt a proactive role in helping Health Care Workers to assess if they have been at risk of HIV infection and encourage them to be tested for HIV, if appropriate.

The Trust recognises the importance of counselling for those employees with AIDS or who are HIV positive and will facilitate counselling wherever possible.

5.1 CONFIDENTIALITY

It is imperative that strict confidentiality is maintained relating to all issues around employees who are infected with AIDS/HIV related illnesses. Strict confidentiality must be maintained regardless of whether the information is received directly, indirectly, deliberately or accidentally.
Deliberate breach, negligent and/or persistent accidental breach of confidentiality, in whatever context, will be regarded as a serious matter which may lead to disciplinary action taken against the employee/s concerned. The Trust takes information governance very seriously and there is a requirement on all employees to report any breach of confidentiality that they become aware of. HIV infected Health Care Workers who perform or may be expected to perform exposure prone procedures must obtain expert advice about modification or limitation of their work practices to avoid exposure prone procedures. Procedures which are thought to be exposure prone must not be performed whilst expert advice is sought.

HIV infected Health Care Workers who do not perform exposure prone procedures but who continue to provide clinical care to patients must remain under regular medical and occupational health supervision. They should follow appropriate occupational health advice, especially if their circumstances change.

Health Care Workers who know or have good reason to believe that an HIV infected worker is practising in a way which places patients at risk, or has done so in the past, must inform an appropriate person in the infected worker’s employing authority (e.g. a Consultant Occupational Health Practitioner) or, where appropriate, the relevant regulatory body. The Director of Public Health should also be informed in confidence. Wherever possible the health care worker should be informed before information is passed to an employer or regulatory body.

The duty of confidentiality is not absolute. Legally, the identity of infected individuals may be disclosed with their consent, or without consent in exceptional circumstances, where it is considered necessary for the purpose of treatment, or prevention of spread of infection. Any such disclosure may need to be justified.

5.2 RECRUITMENT

Under no circumstances will employees or prospective employees be discriminated against on the grounds that he/she has AIDS/HIV. The Trust will ensure that all possible support is given to employees or prospective employees.

All recruitment will be in accordance with the Trusts Policy for the Appointment of Staff

All employees who are successful in gaining appointment with the Trust will undergo a pre-employment check with the Occupational Health Service

Applicants are not required to state whether or not specific illnesses are HIV related however they are required to disclose details of specific illnesses which have affected them in the past. It is through this disclosure that the Occupational Health Service are able to determine whether employees are medically fit to carry out the duties that will be required of them.
An offer of employment will not be withdrawn if applicants choose to disclose a HIV positive status provided they are able to carry out the duties required of them within the job role.

5.3 EMPLOYMENT

If it becomes known that an employee is infected with AIDS or HIV the Trust will endeavour to provide support and assist any reasonable arrangements to enable appropriate work to be continued in accordance with good general principles of occupational health practice and co-ordinated through a specialist Occupational Health Practitioner. In doing so it will take account of the Management of HIV infected Healthcare Workers who perform exposure prone procedures guidance available at: https://www.gov.uk/government/publications/hiv-infected-healthcare-workers-and-exposure-prone-procedures (accessed: 10 July 2017).

The Trust will assist in any reasonable arrangements to enable work to be continued on the grounds that to continue work may enable that person to maintain confidence and social contact, and therefore fight AIDS with more dignity.

Health Care Workers with HIV infection or AIDS will be not be employed in areas where they will be involved in invasive procedures which could result in an exchange of body fluids. If there is uncertainty whether an HIV infected worker has performed exposure prone procedures, a detailed occupational health assessment should be arranged. The UK Advisory Panel can be consulted by the Occupational Health Practitioner, the Health Care Worker, or a Practitioner on their behalf if there is doubt. The Health Care Worker’s identity should not be disclosed to the UK Advisory Panel.

Employees with HIV infection or AIDS will not knowingly be exposed to microbiological or viral infection.

The vaccination of employees with HIV infection or AIDS will be kept up-to-date based on current clinical knowledge.

Once a Health Care Worker has symptomatic HIV disease, closer and more frequent Occupational Health supervision is necessary. As well as providing support to the worker, the aim is to detect at the earliest opportunity any physical or psychological impairment which may render a worker unfit to practice, or may place their health at risk. Employees with symptomatic HIV disease will be treated in the same way as employees with other life threatening disorders.
6. **TRAINING IMPLICATIONS (Training Needs Analysis)**

<table>
<thead>
<tr>
<th>Staff groups requiring training</th>
<th>How often should this be undertaken</th>
<th>Length of training</th>
<th>Delivery method</th>
<th>Training delivered by whom</th>
<th>Where are the records of attendance held?</th>
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<tbody>
<tr>
<td>Managers</td>
<td>On revision of the policy or new appointment/promotion</td>
<td>NA</td>
<td>Daily communication</td>
<td>HR Advisors/Line Managers</td>
<td>NA</td>
</tr>
<tr>
<td>Human Resources</td>
<td>On appointment or revision of the policy</td>
<td>NA</td>
<td>On the job training/mentoring</td>
<td>HR Managers/Head of Workforce</td>
<td>NA</td>
</tr>
<tr>
<td>Staff Side</td>
<td>On revision of the policy and at Policy Forum</td>
<td>NA</td>
<td>Awareness/Briefing sessions on the policy</td>
<td>Workforce and OD Directorate</td>
<td>NA</td>
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7. **MONITORING ARRANGEMENTS**

<table>
<thead>
<tr>
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<th>How</th>
<th>Who by</th>
<th>Reported to</th>
<th>Frequency</th>
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<tr>
<td>Number of grievances/complaints regarding the application of the policy</td>
<td>Review of HR data</td>
<td>HR</td>
<td>Care Group Governance Meetings</td>
<td>Annually</td>
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8. **EQUALITY IMPACT ASSESSMENT SCREENING**

The completed Equality Impact Assessment for this Policy has been published on this Policy’s webpage of the Trust Policy website.

8.1 **Privacy, Dignity and Respect**

The NHS Constitution states that all patients should feel that their privacy and dignity are respected while they are in hospital. High Quality Care for All (2008), Lord Darzi’s review of the NHS, identifies the need to organise care around the individual, ‘*not just clinically but in terms of dignity and respect*’.

As a consequence the Trust is required to articulate its intent to deliver care with privacy and dignity that treats all service users with respect. Therefore, all procedural documents will be considered, if relevant, to reflect the requirement to treat everyone with privacy, dignity and respect, (when appropriate this should also include how same sex accommodation is provided).
8.2 Mental Capacity Act

Central to any aspect of care delivered to adults and young people aged 16 years or over will be the consideration of the individual's capacity to participate in the decision making process. Consequently, no intervention should be carried out without either the individual's informed consent, or the powers included in a legal framework, or by order of the Court.

Therefore, the Trust is required to make sure that all staff working with individuals who use our service are familiar with the provisions within the Mental Capacity Act. For this reason all procedural documents will be considered, if relevant to reflect the provisions of the Mental Capacity Act 2005 to ensure that the interests of an individual whose capacity is in question can continue to make as many decisions for themselves as possible.

Indicate How This Will Be Achieved.

All individuals involved in the implementation of this policy should do so in accordance with the Guiding Principles of the Mental Capacity Act 2005. (Section 1)

9. LINKS TO ANY ASSOCIATED DOCUMENTS

Sickness Absence Policy
Appointment of Staff Policy
Grievance and Dispute Procedure

10. REFERENCES

Department of Health Guidelines
Expert Advisory Group
UK Advisory Panel for Health Care Workers Infected with Blood Borne Viruses
General Medical Council
General Dental Council
Nursing and Midwifery Council
Health Professions Council
The Management of HIV infected Healthcare Workers who perform exposure prone procedures guidance (updated January 2014)

11. APPENDICIES

None