



Gay and Lesbian Association of Doctors and Dentists

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17 May 2004

The Rt. Hon. John Reid, MP
Secretary of State for Health
Department of Health
Richmond House
79 Whitehall
London SW1A 2NS

Dear Dr Reid

Employment Equality (Sexual Orientation) Regulations 2003

We welcome your statement to the Unison Health group in Glasgow that "There is no place for discrimination or harassment in the NHS on grounds of race or ethnicity, gender, sexual orientation, disability, religion, or age." (Published: Monday 26 April 2004, Reference number: 2004/0148). However, as the UK's organisation representing 450 lesbian, gay and bisexual medical and dental practitioners and students, GLADD feels strongly that the Department of Health should already have issued clear guidance to the NHS and other health care providers about appropriate strategies and policies to prevent and deal with discrimination based on sexual orientation.

We fully acknowledge all the work that is being done by officials to guide employers about race and gender issues but we very much regret the Department's failure of leadership regarding sexual orientation.

GLADD produced guidance on these issues¹ well in advance of the legislation (enclosed for your information). The guidance was adopted by the BMA and the GMC as a useful policy development. We first met with DH officials in July 2003 to discuss what further needed to be done.

Despite frequent discussions subsequently with members of the Equality and Diversity Directorate of the DH, attendance at meetings and contributing to a draft DH memorandum in January 2004, to our knowledge no guidance has been issued by the Department to employers (NHS hospital and primary care trusts and general medical and general dental practices) regarding the new legislation and its implications.

We now understand that it may not be DH policy to issue such guidance at all and, if so, we deeply deplore this. Relying on collecting examples of good practice, if this is the intention, is simply not enough. Guidance on the legislative framework and standards of practice is needed first.

We also have just learned that there is shortly to be a document for consultation and a conference on 15 June under the Equality Diversity banner and organised by the Department of Health which, we have learned, omits sexuality as a main theme. We deplore this serious omission. It gives completely the wrong signals about the needs and rights of lesbian, gay and bisexual NHS employees and people in general. We cannot believe that this is the Government's intention.

¹ now entitled *Dignity at Work for Lesbian and Gay Doctors and Dentists and Medical and Dental Students* – revised March 2004

Further, we are aware, from a recent survey of the GLADD membership, that a substantial proportion of lesbian, gay and bisexual doctors in the UK feel that they have been discriminated against on the basis of their sexual orientation. We are also aware, from the number of inquiries we receive that NHS Trusts perceive this as an issue which they would like to start to deal with. However many NHS Trusts are not aware of the changes in the law and, in the absence of specific guidance, those that are aware feel disempowered to take these issues forwards.

We are sure that you agree that these are important issues and are equally sure that, in the absence of formal notification of the regulations and any guidance, NHS Trusts, other NHS employers and the Department of Health are putting themselves at risk of legal action being taken against them now by a lesbian, gay or bisexual employee.

We therefore specifically request a personal response from you regarding:

1. The intended timetable for informing NHS Trusts and other NHS employers about the new sexual orientation legislation
2. The intentions of the Department of Health and NHS to provide rigorous and effective monitoring of the implementation of the new legislation
3. The intentions of the Department of Health and NHS to ensure that appropriate education is provided for all NHS employees about sexual orientation issues.

We further request that the forthcoming document for consultation and conference should include sexual orientation as a main issue.

We also request an urgent meeting with you to discuss the above points.

We are sure that you fully appreciate that these issues are of immense importance in the recruitment, retention and well-being of staff within the NHS. Although we are an organisation of volunteers with limited time and resources, we shall discuss our letter and your response fully with our members, medical leaders and organisations and equality organisations as a way of continuing to make a useful contribution.

We look forward to hearing from you.

Yours sincerely,

Dr Rachel Hogg MB MB, general practitioner and lecturer in primary care, London (GLADD Co-chair)

Dr Jolyon Oxley, MA FRCP, adviser in mentorship to the DH Doctors' Forum and hon. secretary National Counselling Service for Sick Doctors, Norfolk (GLADD Co-chair)

Dr Daniel Saunders, BSc (Hons), MRCP, specialist registrar in clinical oncology, Leeds (GLADD Treasurer)

Dr Rafik Taibjee, MBChB UGCert (Law), PRHO and Chairman, BMA Birmingham Division (GLADD committee member)

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