

Introduction and legal obligations



What relevance do HIV and AIDS have to UK schools?

When HIV first emerged into the public eye in the UK it was seen as a very real threat and a danger for everyone. A major Government campaign saw a leaflet delivered to every house outlining the facts, and television advertising campaigns depicted looming icebergs and gravestones. The message was clear, that HIV was an issue here in the UK and people needed to know about it.

More than 20 years on and the situation has changed. With over 33 million people living with HIV worldwide HIV has become a vision of global poverty. News reports focus on celebrities visiting orphans in Africa and rarely mention the epidemic in the UK. Although the UK epidemic did not reach the heights anticipated in the 1980s, numbers continue to increase steadily on a yearly basis. HIV is still a very real issue for over 80,000 people living with HIV in the UK and their families.

HIV is relevant for schools for so many reasons. With the advances in treatment, people infected with HIV are surviving, working, having children, bringing up families and growing old. However, where HIV stands apart from other long-term illnesses is the key to why it is so important for schools to educate themselves and their pupils and to see HIV as an important part of social inclusion.

The stigma and discrimination faced by people living with HIV has not disappeared in two decades. Only by schools acknowledging this and working with their pupils to promote positive attitudes, can we actually go any way towards challenging this. Schools are key to

achieving a real change in public understanding and attitudes in the long term.

Schools also have a specific responsibility to promote disability equality and HIV is included in this duty. This pack can help you meet that responsibility. In order for people living with HIV to achieve equality we all need to understand the condition, eradicate stigma and discrimination, and create a tolerant society. This can start with your school.

An HIV positive curriculum

As the main route of transmission for HIV is through sex, historically education about HIV has been limited to sex education. But this over-simplifies one of the biggest health challenges the world faces and neglects the realities of living with HIV. This resource offers numerous suggestions of where HIV can be included throughout the curriculum at key stages 3 and 4 – including ICT, Humanities, Geography, English/Drama, Citizenship, and Science, demonstrating how HIV impacts on so many areas of life.

HIV is not just a sexual health issue

Preventing transmission is essential in stopping the spread of HIV. Clear, factually correct information being available in schools is essential in order to create a greater understanding.

But with just over 1,500 HIV positive young people under 19 accessing care in the UK and

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an estimated 20,000 children living in a family where one or more members is HIV positive, for many young people of school age HIV is not an abstract condition, it is a very real part of their lives and represents a major burden.

It was kind of hard, because just before sex education we did viruses and bacteria. We talked about HIV and I had to somehow keep quiet, but I had to – had to act normal but not so quiet because if I act at all quiet they would have thought that – they would have got some kind of suspicion...

(Lewis, NCB 2001)

The message you don't want to catch HIV needs to be strong, but people do catch it, and HIV may be part of the lives of pupils in your classroom.

HIV is also a social issue

Advancements in treatment mean that people live with HIV, rather than die of HIV-related illnesses. But the stigma and discrimination faced by people living with HIV is as prominent today as it was 20 years ago. Cases of children excluded from schools once their HIV status becomes known, of HIV-positive teachers being hounded from their jobs, and of families driven from their homes and communities are still reported.

HIV is now defined as a disability from the point of diagnosis, therefore HIV-positive people are legally protected against discrimination, but until society changes its attitudes, the level of secrecy and stigma will remain. This is why schools need to include HIV-related issues in areas such as Citizenship and work to ensure bullying is not tolerated.

HIV is also a political issue

A key political issue at present is asylum and immigration. Often used in a negative way by the media, this area is rarely out of the public eye. The sensationalism of both asylum and HIV is hard for the media to resist, and negative inaccurate portrayals of these issues are often found headlining papers.

HIV, as with other viruses, thrives in situations where there is poor sanitation, conflict, poverty and war. A number of asylum seekers entering the UK come from countries where there are high rates of HIV. They are legitimate asylum seekers, but have additional health needs. This situation presents complex issues, which schools can explore, debate and research. They also feed into negative stereotyping, which schools can address.

HIV is also an issue for the courts

Since 2003, a number of people in the UK have been convicted and imprisoned for recklessly infecting a consenting sexual partner. HIV is the only virus to find itself in the courtroom and then on the front pages of the tabloids. Recent criminal prosecutions for HIV transmission have created an enormous amount of fear and anxiety amongst people living with HIV and such cases also potentially discourage HIV testing.

HIV is also an economic issue

HIV is an economic issue both for the NHS and for the international support the UK is giving to developing countries. In the UK it is estimated that preventing just one case of HIV could save up to £1 million. The impact of HIV on the developing world economy is fundamental.

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Whole generations are dying at the age when they should be providing for their families. The economic cost of HIV, whether it is medical or in human lives, is phenomenal. We are part of a global community, and this affects us.

HIV is also a legal issue

Schools now have two new duties to fulfil, promoting community cohesion and disability equality. These recognise the role schools have to play in highlighting social issues and creating a more just society. Teaching about HIV through the curriculum and in assemblies can be part of your school's initiatives to meet both of these duties.

The duty to promote community cohesion

Schools (excluding independent schools) have a duty to promote community cohesion. With the two most affected groups in the UK being gay men and Black Africans, stigma and discrimination around HIV are closely linked with homophobia and racism. In the developing world, the impact of HIV on women is tied in with issues of equality. We've explained how HIV touches on all aspects of society, the lesson plans in this pack will help you explore issues around difference, racism, immigration, gender equality, homophobia, and much more.

The duty to promote disability equality

Schools (excluding independent schools) also have a duty to actively promote disability equality, including equality for people living

with HIV. This is a proactive duty which aims to tackle institutional discrimination, promote disability equality and address issues such as harassment whilst also ensuring public bodies, such as schools, promote positive attitudes towards disabled people. See below for an outline of your school's legal duties around disability equality. Please share it with your senior staff and governors so your school can ensure it is doing all it can to promote equality for people living with HIV.

HIV is a global issue, a social issue, a political issue, a legal issue, an economic issue and an individual issue. It impacts on individuals, families, communities, and countries. Schools are in a position where they can effect change. They can challenge attitudes, place HIV in a better context, offer correct information and help prevent the spread of the virus. This will ensure that the children you teach today can make a real difference in the future.

Disability Discrimination and your School

The 2005 Disability Discrimination Act (DDA 2005) made it illegal to discriminate against people living with HIV from the point of diagnosis. This means that your school cannot discriminate against pupils or staff because they have HIV. It also means that the school should make reasonable adjustments to ensure people living with HIV can work or study at the school. Despite these legal protections, there are Introduction and Legal Obligations still cases where children are refused a place or excluded and staff are

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sacked or not employed solely because they are living with HIV.

Tanya's Story

Tanya was due to start at the primary school attached to her nursery school. Tanya's mother went to speak the head teacher of the primary school to ask her some questions and find out more about the school. During the meeting, Tanya's mother told the head teacher that Tanya was HIV-positive. Tanya's mother explains the reaction:

She immediately sat back and physically pulled away from me. Her body language shouted at me! It gave her thoughts away! The utter disbelief on her face was apparent! She said: 'we haven't had one of those before'.

Tanya's mother suggested that the head teacher talk to her staff about the matter, as she did not want her daughter to go to a school that wouldn't support her. When she went back to the head teacher, she was told that none of the staff wanted to teach Tanya and they thought the dinner ladies should be told of her status. The head teacher suggested that Tanya find another school, and this time not tell them about her status.

You may read this story and think it happened in the 1980s, when people knew little about HIV and were therefore scared they might catch it from just being around people. In fact, this happened in 2007, when legislation protecting children from just this discrimination exists, but where ignorance means it is not always enforced.

What the law says

Schools have responsibilities under the DDA 2005 both as education providers and as employers. HIV is considered a disability under the DDA 2005 and this means discrimination on the basis of someone's HIV status is illegal. The duties of schools in these two roles are laid out below.

Education Providers

As education providers, schools cannot treat pupils less favourably because of their disability and must make reasonable adjustments to prevent pupils being disadvantaged because of their disability. The DDA 2005:

- >> Protects pupils in admissions
- >> Prohibits discrimination in the curriculum, teaching and learning and other services which are provided wholly or mainly for students (e.g. school trips)
- >> Prevents schools excluding a pupil from an institution or course because of their disability.

Employers

Schools are also employers and have legal obligations towards all their staff, whether they are teachers, cleaners, or dinner ladies. Under the DDA 2005, employers cannot discriminate against people living with HIV:

- >> In employment offers
- >> In the opportunities for promotion, training, transfer or other benefits
- >> By dismissing them or subjecting them to negative treatment.