



and

UK *Freedom* Project

An Open Letter to Doctors and Employers Regarding COVID-19 Vaccine Status

To Whom It May Concern

Vaccination Decisions

Awakened World and UK Freedom Project are small, not-for-profit organisations supporting the healthcare decisions of individuals and promoting freedom of choice and body autonomy.

We call for a balanced debate on current medical issues, particularly regarding COVID-19 vaccines, to facilitate better understanding between individuals and their healthcare providers and employers, about the choices that people may wish to make regarding the COVID-19 vaccine.

We are dismayed that we are constantly contacted by individuals who face clear pressure from employers, and/or their own GP or consultant, about taking a COVID-19 vaccine. Regrettably, many individuals have had necessary medical treatment declined, or delayed, and others have faced issues at work, due to their decision to simply wait for more long-term data on the COVID-19 vaccines, before deciding to have one.

This is unacceptable and goes against the enshrined rights of full and free informed consent, supported by Supreme Court cases in England.

Healthcare professionals are required by their professional standards to respect people's decision about medical treatment. Employers are likewise required to do so and have no basis for enquiring into a person's medical status, due to their obligations under Data Protection legislation, unless an employment contract clearly specifies this right. Sadly, a minority of healthcare professionals and employers are failing in their duties, acting outside of expected standards, and breaching domestic legislation in the process.

Healthcare Professional Standards

The General Medical Council, (GMC), requires all doctors to treat patients with respect and to be polite and considerate. These requirements still apply, even if staff fundamentally disagree with a patient's decision. Indeed, the GMC's own website states the following:

- **Treat patients as individuals and respect their dignity.**
 - Treat patients politely and considerately.
 - Respect patients' right to confidentiality.

- **Work in partnership with patients.**
 - Listen to, and respond to, their concerns and preferences.
 - Give patients the information they want or need in a way they can understand.
 - Respect patients' right to reach decisions with you about their treatment and care.
 - Support patients in caring for themselves to improve and maintain their health.

- **Work with colleagues in the ways that best serve patients' interests.**

- **Be honest and open and act with integrity.**

- **Never discriminate unfairly against patients or colleagues.**

- **Never abuse your patients' trust in you or the public's trust in the profession.**

- **You are personally accountable for your professional practice and must always be prepared to justify your decisions and actions.**

It is both unprofessional and unethical for any doctor to exert pressure on anyone by inducing fear or guilt, or label someone selfish, suggest their decision will result in financial loss to a practice, or to repeatedly raise the matter at unrelated appointments and/or through unwanted phone calls and messages.

Further, non-vaccination in the absence of any other concerns does not constitute a safeguarding issue for children. It is therefore inappropriate to threaten a parent with referral to the Local Authority on safeguarding grounds, for not agreeing for their child to be vaccinated with a COVID-19 vaccine at the current time. This is a gross breach of the doctor/patient relationship, and disingenuous to say the least.

Under no circumstances should any patient be removed from a surgery's list and refused further treatment if they decline a COVID-19 vaccine. Removal from a list is only justifiable if the doctor-patient relationship has permanently broken down, despite efforts from the surgery to restore it. Justifying such a measure on grounds of non-vaccination is against the guidelines set out by the BMA¹ which state:

"Practices have the right to ask for a patient to be removed from their list. In cases other than violence and abuse, the decision to remove a patient should only be made after careful consideration.

Many patients who are misusing services can change their behaviour if it is brought to their attention. If all else fails, however, it is not in the best interests of either the patient or doctor for an unsatisfactory relationship to continue.

1. *Where practices intend to remove a patient because of the breakdown of the doctor-patient relationship, you should first consider discussing the problem with an independent party, eg LMC secretary.*
2. *Issue a warning to the patient, preferably in writing, giving the reasons for the possibility of removal. Warnings are valid for 12 months and a written record must be retained.*
3. *Send a written notice to the PCO or NHS England, giving the patient's name, address, date of birth and NHS number.*

¹ <https://www.bma.org.uk/advice-and-support/gp-practices/managing-your-practice-list/removing-patients-from-your-practice-list>

4. *The removal will take effect on the eighth day after the request is received.*
5. *If the practice is treating the patient at intervals of less than seven days, the removal will be eight days after treatment ceases, or until the patient is accepted at another practice.*
6. *The only exception is on the grounds of violence, e.g. when police are involved, in which case the patient will be removed immediately.*
7. *If the removal is on the grounds of violence or threatened violence, the police must have been informed.”*

Employer's standards

The responsibilities of an employer include, amongst others:

- Fair recruitment practice
- Health and Safety
- Fair treatment which prevents claims of discrimination
- Abiding by express and implied contractual term
- Informing and consulting when changes are made
- Terminating a contract fairly

All responsibilities derive from UK Employment Law and any failure to meet the appropriate standards could result in a grievance and/or claim being made against an employer or their business.

Workplace discrimination legislation (the Equality Act 2010²) protects employees with 'protected characteristics' from unfair treatment. Protected characteristics include gender, marital status, gender reassignment, pregnancy, maternity, race, disability, sexual orientation, **religion or belief**, and age.

The Equality Act 2010 protects:

- Job applicants and employees
- Contract workers, including agency workers
- Police officers and applicants to join the police

² <https://www.legislation.gov.uk/ukpga/2010/15/contents>

- Partners and those seeking partnership in a firm (including an LLP)
- Barristers and trainee advocates

Employers are also bound by the EU General Data Protection Regulation, (EU GDPR), which came into force on 25 May 2018, and set out key principles and obligations for processing personal data. Although the UK has now left the European Union, the content of the EU GDPR has been incorporated into our domestic law and therefore continues to apply, albeit with certain modifications to take account of Brexit. This is referred to as the UK GDPR. In addition, the Data Protection Act 2018 (DPA 2018) provides further detailed rules that sit alongside and supplement the UK GDPR provisions.

Sensitive data (special category data), which is data relating to a data subject's racial or ethnic origin, **political opinions, religious beliefs**, trade union membership, **health**, sexual orientation and **genetic or biometric data**, generally cannot be processed without the data subject's explicit consent, although employers can process sensitive data where necessary to carry out an employment contract.

Unfortunately, we continue to receive weekly emails verifying that both doctors and employers are breaching the obligations placed upon them by their codes of practice and relevant domestic legislation.

We are now advising anyone experiencing the types of behaviours outlined above, to make an immediate report to the GMC for behaviour by a doctor that clearly breaches their code of practice for the same³, and a complaint to the ICO⁴ about employers who are not meeting their obligations under Data Protection legislation.

We take this opportunity to remind doctors and employers that they must operate within the law and treat patients and employees with respect, upholding the standards and legal rules placed upon them.

Awakened World

awakenedworld.co.uk

UK Freedom Project

ukfreedomproject.org

³ <https://www.gmc-uk.org/about/get-involved/complaints-and-feedback-about-our-service/how-to-raise-complaint>

⁴ <https://ico.org.uk/make-a-complaint/>