



Introduction and Legal Obligations

When HIV first emerged into the public eye in the Australia it was seen as a very real threat and a danger for everyone. A major Government campaign saw a major television advertising campaigns depicted the Grim Reaper. The message was clear, that HIV was an issue here in the Australia and people needed to know about it.

More than 20 years on and the situation has changed. With over 30 million people living with HIV worldwide HIV has become a vision of global poverty. News reports focus on celebrities visiting orphans in Africa and Cambodia rarely mention the epidemic in the Australia. Although the Australian 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 16,000 people living with HIV in the Australia and their families, over 5,000 children live in family with HIV/AIDS.

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 awareness particularly of children affected by HIV in developing countries. This pack can help you meet that responsibility. In order for people living with HIV to achieve equality we all need to understand the illness, prevention, treatment, 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 - including ICT, humanities, geography, English/drama, religious education, 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 2 million HIV positive young people under 15 worldwide and an additional 50 million 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.

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

HIV is a social issue

Advancements in treatment mean that people in developed countries 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



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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. In developing countries there is limited treatment, so vast numbers of HIV people are dying of AIDS.

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.

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.

Ignorance is one of the major obstacles to promoting community cohesion and equality. Teaching schools and communities in developing countries is just as important as it is in Australia.

Tola's Story

Tola has been living on the street or in institutions in Cambodia since she was a baby. Now aged 7, Tola has suffered the worst of Cambodia's discrimination and abuse emanating from HIV AIDS. The village she was living in refused to care for her after the death of her parents because she was HIV positive and perceived her as a risk of infecting others. After being cared for by a woman that Tola called Auntie, her and her older sister SreyDam, were abandoned at a Buddhist pagoda. Tola suffered discrimination and isolation because of her status and was not allowed to study or sleep in the same room as other children at the pagoda.

In 2007, Tola and Sreydam were moved to Hope for Cambodian Children centre in Batambang. From long-term stigma and isolation Tola suffers from social disorders and abandonment issues. In 2008 Tola was re-enrolled at a local school and now lives in a house with 10 other children as an equal and is cared for by a housemother.

What the law says

Schools have responsibilities both as education providers and as employers. HIV is considered a disability 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.

But in most developing countries there are no laws against discrimination.

Education Providers

As education providers, schools cannot treat pupils less favourably because of their disability and must make reasonable



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adjustments to prevent pupils being disadvantaged because of their disability.

- 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.

FOR PUPILS

Be prepared

The first time you think about how to deal with a HIV disclosure should not be when someone first discloses. All staff at the school should be aware of the legal issues around HIV and know what to do if a child or parent discloses to them.

Keep personal information confidential

Any information a parent or pupil gives you about their health should be kept confidential and not shared without their permission. Sharing information without consent could be breaking the law. You should not inform other staff, teaching or non-teaching, about the child's status without parental consent. You may want to ask the parent to disclose the information to one other member of staff who can provide personalised support. You can explain to the parent that it can be helpful for both the Head Teacher and a teacher chosen by the parent and/or pupil to be aware of the child's status. The teacher can then provide day-to-day support if needed, with assistance from the Head Teacher.

Remember children may not know their status

Young people may not know they are HIV positive, for example, some young people may know they have a blood disorder they have to take tablets for, but not know exactly what it is. In addition to this, as most children will have been born with HIV, disclosing their status means disclosing a parent's status. It is therefore even more important that if a parent confides in you that you keep the information confidential and do not talk to the child or anyone else about it if the parent has not given their permission.

Health and safety

HIV cannot be passed on through day-to-day contact. All schools should have health and safety measures in place to make sure they are able to deal with accidents or illness.

You do not need any extra measures because you know someone is HIV-positive, standard health and safety procedures will be enough to ensure that you, your colleagues and your pupils are not at risk.

FOR STAFF

Be prepared

As with pupils, you should be prepared to respond to staff who are HIV-positive in a constructive and understanding manner. You can place positive statements about disability and HIV in your equal opportunities and employment policies, and information for new job applicants. This can give important initial indicators to potential job applicants of your determination not to discriminate. Remember that this is not just an issue for your teaching staff. Cleaners, dinner ladies, teaching assistants and other staff must also be protected from discrimination.

Keep personal information confidential

You should keep any information about the HIV status of a member of staff confidential, whether you are the Head Teacher responsible for employment or a colleague trusted with the information. You should not inform other members of staff, the Governors or any other individual without the individual's consent. The Privacy Act specifies that written consent is required for personal sensitive information, such as a physical condition, to be passed on. This includes references you provide to staff who are seeking new employment.

The Privacy Commissioner's Office has produced a code of practice for employers on ensuring personal information is properly handled. Sometimes you will need a colleagues' co-operation to implement a reasonable adjustment, but confidential details must not be disclosed without the consent of the employee concerned.



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Health and safety

HIV cannot be passed on through day-to-day contact and a HIV-positive member of staff does not pose a risk to your pupils or staff. All health and safety policies should consider risks around blood-borne viruses as a matter of course. You may have concerns about the risk of people preparing food or those caring for children in the playground. Standard procedures around dealing with cuts and blood spills are enough to ensure safety for your staff and pupils. You do not need to do anything extra on top of these standard practices.

FOR STAFF AND PUPILS

Create a supportive atmosphere

Teaching about HIV through the curriculum will help foster a school with a supportive atmosphere around HIV. The best way to tackle discrimination is through education, the more people know about HIV the less afraid they are and the less likely they are to discriminate.

Your HIV work should be year round, but Shades 4 AIDS Day offers a great opportunity to go all out on highlighting your school's commitment to raising awareness and eradicating discrimination. You could hold a week of activities that include pupils, staff, parents and the local community, ensuring your messages reach a wide audience. Simple things like wearing sunglasses, conducting special assemblies, or holding a school concert can all help with marking Shades 4 AIDS Day and demonstrating your support for people living with HIV.

If your school is positive about HIV it can help staff and parents feel able to disclose their status if they wish to. Making explicit reference to HIV in your disability equality duty and anti-bullying policies will make it clear to everyone that your school will not tolerate HIV-related discrimination.

If in doubt, ask for help

The following organisations can provide further information and advice on HIV and disability law.

Equality and Human Rights Commission

The Equality and Human Rights Commission provides information and advice on discrimination and human rights legislation. The website has a specific section for education providers, where you can find more information on your duties and responsibilities in this area.
www.equalityhumanrights.com.

Australian Human Rights Commission:-

<http://www.hreoc.gov.au/>

<http://www.afao.org.au>