Protecting healthcare workers from sharps injuries
What NHS employers and employees need to do from May 2013 to implement new health and safety requirements

Key points
• New regulations on the prevention of sharps injuries will apply from 11 May 2013
• They apply only to employers, contractors and workers in the healthcare sector (whether public or private)
• Many of the requirements form part of existing health and safety law in the United Kingdom, but the regulations also introduce extra, more specific requirements.

Regulations implementing EU law (the “Sharps Directive” – European Council Directive 2010/32/EU) come into force across the UK on 11 May 2013. All NHS employers and employees need to be aware of and act upon the additional requirements (over and above existing health and safety legislation) resulting from the new regulations.

The NHS European Office and NHS Employers have worked closely with the Health and Safety Executive (HSE) and with employers’ organisations and trade unions in Europe, to try to ensure that the new rules are sensible and workable for the NHS. This Briefing outlines the key changes and their implications for the NHS.

Why sharps injuries matter
Sharps injuries occur when a sharp instrument (such as a needle) penetrates the skin. If the sharp instrument is contaminated by blood, there is the potential for transmission of infection. Such injuries can cause anxiety and distress to those affected and can, in the most serious cases, result in infection with blood-borne pathogens such as HIV or hepatitis B or C.

Sharps injuries are obviously especially prevalent in healthcare settings: they are a major hazard and cause of sickness absence in the healthcare sector worldwide. Workers who have suffered a sharps
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The National Audit Office (NAO) report of April 2003, *A safer place to work – improving the management of health and safety risks in NHS trusts*, found that needlestick and sharps injuries account for 17 per cent of accidents to NHS staff and are the second most common cause of injury, behind moving and handling at 18 per cent. The NAO report, and the subsequent Public Accounts Committee hearing, highlighted the need for the better management of needlestick and sharps incidents in the NHS:

- At least four UK healthcare workers are known to have died following occupationally-acquired HIV infection. By 1999, another healthcare worker was known to have been infected.
- Between 1996 and 2009, the Health Protection Agency (HPA) received reports of 17 healthcare workers who had been infected with hepatitis C virus due to occupational exposure. According to the HPA, the number of reported occupational exposure incidents increased by 49 per cent between 2002 and 2005.
- Significant stress and psychological trauma can result from needlestick injuries, even where no infection is ultimately acquired, due to long periods of uncertainty regarding the outcome of the injury, as well as changes in lifestyle, working restrictions and, where indicated, extended and debilitating treatments.

The “Sharps Directive”
Council Directive 2010/32/EU implements the Framework Agreement on protection from sharps injuries in the hospital and healthcare sector negotiated at European level by the “social partners” (organisations representing employers and trade unions), the Hospital and Healthcare Employers’ Association (HOSPEEM) and the European Public Services Union (EPSU) in July 2009. Member States must introduce (or ensure that the national social partners have introduced) the measures necessary to comply with the Directive by 11 May 2013.

The new regulations: Health and Safety (Sharps Instruments in Healthcare) Regulations 2013

All employers are required under existing health and safety law to conduct risk assessments, including ensuring that risks from sharps injuries are adequately assessed and appropriate control measures are in place. They must also consult with employees and provide adequate information and training. The new regulations only contain those requirements that are not specifically addressed in existing legislation.

The HSE has produced Health Services Information Sheet 7 – Health and Safety (Sharps Instruments in Healthcare) Regulations 2013 to provide detailed guidance on how to comply with the Regulations.

Who do the new regulations apply to?
- employers whose main activity is the management, organisation or provision of healthcare (a healthcare employer), whether NHS or private/voluntary sector (for example, nursing homes, independent occupational health services) and their employees
- contractors working for a healthcare employer or working under the management and supervision of the healthcare employer (for example, cleaners, bank nurses, locum doctors), including staff providing services in patients’ homes
- students and trainees on placements with healthcare employers
- community or hospital pharmacies whose main activity is to provide healthcare.

Who do the new regulations NOT apply to?
- residential care (i.e. not nursing) homes
- high street pharmacies
- staff working in prisons, schools etc whose employer is not a healthcare employer.
But, the provisions of existing health and safety law will apply, including the requirements to ensure risks from sharps injuries are controlled.

**What's new in the Directive/Regulations?**

**Employees – duty to report**
- a new duty for an employee who receives a sharps injury whilst performing their work to notify their employer as soon as practicable.

**Employers – specific new requirements**
- In addition to existing requirements, employers will be required to:
  - **Promote the safe use and disposal of medical sharps**
    - avoid the unnecessary use of medical sharps altogether, where there is a reasonably practicable alternative
    - where the use of medical sharps is necessary, substitute suitable “safer sharps” incorporating protection mechanisms where it is reasonably practicable to do so
    - prevent the recapping of needles, except where the risk assessment has identified that recapping is itself required to prevent a risk and alternative effective controls are in place
    - place secure containers and instructions for safe disposal of medical sharps close to the work area.
  - **Provide information and training for employees**
    - provide to staff health and safety information on sharps injuries which explains the risks,
    - legal duties of employers and workers, good practice, the benefits of vaccination and support available in the event of an injury
    - work with appointed trade union and other safety representatives in developing and promoting information to workers
    - train employees in the correct use of safer sharps, safe use and disposal of medical sharps, what to do in the event of a sharps injury, and employer arrangements for health surveillance.
  - **Respond effectively if an injury occurs**
    - have arrangements in place so that employees know how and who to notify as soon as possible if an injury occurs
    - record and investigate the injury and take appropriate action
    - where an employee has notified an incident in which they may have been exposed to a blood-borne virus, ensure they have immediate access to medical advice, and counselling where appropriate
    - on medical advice, offer treatment
    - in some circumstances advice and treatment may be provided by a suitably qualified non-medical practitioner (for example, an occupational health nurse) if provided within a practice under the supervision of a registered medical practitioner.
- **Review procedures regularly**
  - review procedures in place to implement the above measures. Such reviews are valuable in identifying whether or not current procedures are being followed (and if not, why not), so that action can be taken to improve areas where compliance is inadequate. An effective review process involves consultation with staff and their representatives.

**Current legislation on occupational health and safety**

NHS employers are already subject to health and safety legislation:
- The Health and Safety at Work etc Act 1974
- The Control of Substances Hazardous to Health Regulations (COSHH) 2002
- The Management of Health and Safety Regulations 1999
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

The penalties for failing to comply with legislation can be high:
- In a 2004 legal ruling against the Scottish Ambulance Service, three appeal judges ruled that cost grounds alone cannot be a reason not to purchase safer sharps devices, as this breached European health and safety laws.
- In 2010 the Health and Safety Executive prosecuted an NHS trust after a healthcare worker contracted the Hepatitis C virus after injuring herself on a needle used to take blood from an infected patient. The trust was fined and suffered reputational damage as a result.
Further information

Detailed information on sharps injuries can be found at: www.hse.gov.uk/healthservices/needlesticks/index.htm

Detailed guidance on implementing the Regulations can be found at: www.hse.gov.uk/pubns/hsis7.pdf

The Safer Needles Network and the Health, Safety and Wellbeing Partnership (formerly Partnership for Occupational Safety and Health in Healthcare (POSHH)) have developed implementation guidelines to provide guidance to NHS organisations on the implementation of the Directive, available at: www.nhsemployers.org

The NHS European Office

The NHS European Office has been established to represent NHS organisations in England to EU decision-makers. The Office is part of the NHS Confederation. EU policy and legislation have an increasing impact on the NHS as a provider and commissioner of healthcare, as a business and as a major employer in the EU.

Our work includes:

• monitoring EU developments which have an impact on the NHS
• promoting NHS organisations of EU affairs
• informing NHS organisations of EU affairs
• advising NHS organisations of EU funding opportunities.

To find out more about us, and how you can engage in our work to represent the NHS in Europe, visit www.nhsconfed.org/europe or contact european.office@nhsconfed.org

NHS Employers

NHS Employers represents trusts in England on workforce issues and helps employers to ensure the NHS is a place where people want to work. The NHS workforce is at the heart of quality patient care and we believe that employers must drive the workforce agenda.

For more information on how to become involved in our work, email getinvolved@nhsemployers.org or visit www.nhsemployers.org

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Registered Charity no: 1090329
Stock code: EUR02101

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