

14 June 2023

Information Rights & Compliance Team  
99 Waverley Road  
St Albans  
Hertfordshire  
AL3 5TL

Tel: 01727 804227  
Email: [Hpf.foi@nhs.net](mailto:Hpf.foi@nhs.net)

Our Ref: FOI/04580

Thank you for your request concerning COVID, Mandatory Face Masks.

Your request has been considered and processed in accordance with the requirements of the Freedom of Information (FOI) Act 2000.

- 1. When were mandatory face masks for employees, patients and visitors introduced in the Hertfordshire Partnership University NHS Foundation Trust?**  
April 9<sup>th</sup> 2020.
- 2. Who made that decision?**  
The decision was made through the Strategic Command route (initiated in the event of a major incident).
- 3. On what basis did they make that decision?**  
Over 20 service users dying each week from the start of the pandemic and many more being infected. Strategic Command was advised by the clinical and professional advisory committee, following consideration of Government guidance (PHE) and advice from the Infection Prevention & Control team.
- 4. Were any risk assessments conducted prior to this to determine which roles should be covered?**  
Risk assessments were carried out for each individual. Those risk assessments took into account each individual's role.
- 5. Was any Equality Impact Assessment carried out prior to the introduction of this mandatory policy?**  
The Trust carried out Quality Impact Assessments concerning the provision of services which included consideration of equality matters for service users. A full Equality Impact Assessment was carried regarding the Trust's individual risk assessment template to consider the impact on all groups by protected characteristic.
- 6. Does/did Hertfordshire Partnership University NHS Foundation Trust recognise exemption to mask wearing and permit staff, patients, and visitors to enter without a mask?**  
All staff are required to comply with infection prevention and control measures; where staff consider themselves unable to wear masks, the Trust's policy has been to explore alternative mobilisation or other means of work, such as working from home, where possible. In regard to service users, the risk of service users not attending appointments meant that they would be permitted to enter without a mask. Service users in in-patient settings were considered to be in their 'home' setting and not required to wear a mask unless symptomatic. Visitors & carers were asked to wear masks.



- 7. What consideration was given to those who were exempt on health grounds from wearing face masks?**  
Due to the nature of the pandemic, the Trust's preferred solution was to explore alternative mobilisation or other means of work with staff, such as working from home.
- 8. What guidance was provided to managers as to how to deal with those exempted on grounds of disability?**  
Occupational health guidance was sought as relevant for each case, and more widely the Trust introduced the individual risk assessments mentioned above to assist managers in supporting employees.
- 9. What training was provided to managers as to how to deal with those exempted on grounds of disability?**  
Managers were directed to engage with HR and Occupational Health.
- 10. What documents/templates were produced to risk assess roles to determine the need for the wearing of masks and the possibility of making reasonable adjustments for those who were unable to wear masks for reasons of disability? Please provide these templates/documents.**  
As mentioned above, the Trust adopted a 'person-first approach' and individual risk assessments were completed, taking into account that individual's role, and signed off by that individual's manager.
- 11. If no risk assessment has taken place, what criteria has been used to determine whether it is necessary to wear face masks in a particular role?**  
Not applicable, risk assessments took place.
- 12. How many roles have you risk assessed to determine if wearing a face mask is necessary or if reasonable adjustments can be made for those unable to wear facemasks?**  
As above, a risk assessment was carried out for every individual.
- 13. Where it was decided that staff who could not wear face masks for reason of disability could not continue in their role what plans had the Trust made to give them to continue their work or offer alternative work?**  
Where staff were unable to wear face masks due to disability, conversations took place within the Trust regarding redeployment, payment protection or other measures as necessary and appropriate. In each case, each individual was dealt with on a case by case basis to try and identify a mutually agreeable solution to enable them to continue working with the Trust.
- 14. Do job adverts within the Trust clearly state whether the role is open to those who are unable for reason of disability to wear a face mask?**  
No
- 15. How many roles within the Trust are open to those unable to wear a face mask (please breakdown by Department, Ward, Role)?**  
None
- 16. Have you conducted an Equality Impact Assessment regarding those who are unable to wear face masks for reasons of disability?**  
A full Equality Impact Assessment was carried out to consider the impact on all groups by protected characteristic'. Individual risk assessments were completed, which would include inability to wear face masks for reasons of disability and the impacts of such disability.

**17. Have you considered trialling these for those who find it difficult to wear surgical masks or similar?**

In accordance with the FOIA, as this is not a request for information the Trust is unable to respond to this question<sup>1</sup>.

The right of access created by the Freedom of Information Act only applies to recorded information. This does not include requests asking for a person's wishes, opinions or general advice.

**18. How many risk assessments have been carried out regarding the necessity of wearing face masks in particular roles within the Trust?**

Please see the responses above.

**19. Have you monitored the effect on the health and mental well-being of staff considering the duration they are wearing face masks?**

The Trust's wider occupational well-being and health and safety monitoring procedures remain in force and staff may seek health and wellbeing support at any time.

**20. Have Occupational Health made recommendations to the Trust concerning risk assessment of roles for those unable to wear face masks?**

The Trust has not sought recommendations from Occupational Health about its overall risk assessment for individuals. The Trust has sought recommendations from Occupational Health for specific individuals.

**21. In how many cases have they made recommendations?**

The Trust does not hold this information<sup>1</sup>.

**22. In how many cases have these recommendations been followed?**

Please see answer to question 21.

**23. Where recommendations have not been followed what was the decision-making process which determined that?**

Please see answer to question 21.

**24. How far has the Trust considered the introduction of policy and procedures concerning mandatory face masks from the standpoint of indirect discrimination?**

In introducing new policies the Trust considers how best to draft those policies. The Trust holds no information regarding specific consideration of indirect discrimination regarding mandatory face mask policies<sup>1</sup>.

**25. How has the Trust engaged with Trade unions in determining policy on face masks, conducting risk assessments, and avoiding indirect discrimination?**

The Trust has regularly engaged with accredited trade unions, including on the subject of risk assessments. The Trust has also engaged with accredited trade unions in specific cases where individuals were referred to Occupational Health.

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<sup>1</sup> Section 1(1) Any person making a request for information to a public authority is entitled (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him.

- 26. Has the Trust refused to deal with any union which has approached them with a health and safety concern or a concern about the application of face mask policy?**  
The Trust has not refused to deal with any approaches by an accredited union on health and safety matters.
- 27. Is the Trust willing to engage with any union which raises health and safety concerns or concerns about the face mask policy on behalf of a member employed by the Trust?**  
The Trust would be willing to engage with any such request raised by an accredited union.
- 28. Is there an individual or Department within the Trust specifically tasked with overseeing risk assessments concerning COVID in general and the introduction of mandatory face masks in particular?**  
This would fall under the purview of the Trust's health and safety and occupational health officers, and specifically the Directorate of People and Occupational Development. The introduction of mandatory face masks was signed off via Strategic Command.
- 29. Who is/are that/they?**  
Please see question 28.

Should you require further clarification, please do not hesitate to contact me.

Please find enclosed an information sheet regarding copyright protection and the Trust's complaints procedure in the event that you are not satisfied with the response.

Yours sincerely

*Sue Smith*

**Sue Smith  
Information Rights Officer**

Enc: Copyright Protection and Complaints Procedure Information Leaflet.

If you would like to complete a short survey in relation to your Freedom of Information request please scan the QR code below or click [here](#).

