Can my boss force me to have the flu jab?

Compelling nurses to have the flu vaccination against their wishes is unethical and unlawful, says Marc Cornock

Two legal and ethical issues arise from a campaign that uses pressure to ‘persuade’ nurses to receive a vaccination they may not want. The first relates to the individual nurse’s consent to the procedure, and the second to the legal and ethical position of the person providing the vaccination.

For a person to receive a procedure, including a flu vaccination, they must provide valid consent. This has to be given freely and without any undue pressure or coercion. If the nurse receiving the flu vaccination has only given consent because of pressure from their employer or others, consent would not be legally valid.

Consent also needs to be in place to protect the person proposing to give the flu vaccination from any legal action of trespass or battery to the person. Without consent, the person giving the vaccination could face the prospect of legal and regulatory action.

Compelling a nurse or any other frontline staff member to receive a flu vaccination against their wishes is unethical and unlawful. If a person cannot be compelled to have the vaccination, it cannot be trust policy, and a nurse cannot be dismissed for refusing it.

The nurse could be removed from frontline duties if it can be demonstrated they are putting patients at risk, but this would require a clear causal link and would be subject to the nurse’s contract of employment. Any form of disciplinary action taken against the nurse would appear unfair.

Although all frontline staff members should consider receiving the flu vaccination, legally they can refuse. Otherwise, it is a form of undue pressure and coercion, which is not something we want in the NHS in relation to patients or staff.

Marc Cornock is a qualified nurse, academic lawyer and senior lecturer at the Open University @Academiclawyer2

Nurse Leader

Helping community nurses get back on their feet

This year the Queen’s Nursing Institute (QNI) celebrates its 130th anniversary, and we are as relevant today as we were in 1887.

We continue to set standards of education and deliver training for nurses in the community, influence policy and support innovation, and challenge the status quo.

A less well-known part of our work is the help we give to community nurses in financial trouble due to adverse life events, such as marriage breakdown or serious illness.

The financial and pastoral help we give changes lives, enabling many nurses to return to the workforce.

The QNI also offers support to retired Queen’s Nurses (QNs) who are socially isolated and housebound. Through our Keeping in Touch (KIT) programme, QN volunteers make a weekly phone call to retired QNs, developing relationships founded on common understanding, interest and commitment to community nursing.

We hope to expand the number we support to combat the loneliness felt by so many older people.

Our anniversary appeal is for all the nurses who turn to the QNI for support. As well as continuing to meet the growing demand for our services, we want to honour the professionals who have cared and continue to care for others.

Crystal Oldman is chief executive of the Queen’s Nursing Institute