

HUMAN RESOURCES POLICY

MANDATORY CORONAVIRUS VACCINATIONS (CARE HOMES)

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Document History		
Version	Date	Significant Changes
1.0	September 2021	n/a

Equality Impact Assessment	
Date	Issues

Policy Validity Statement
This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

1. INTRODUCTION

- 1.1 The Department of Health and Social Care (DHSC) recently conducted a public consultation regarding a proposed amendment to the [Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#) that would require older adult care home providers to deploy only those workers who have received their COVID-19 vaccination in line with government guidance (unless medically exempt).
- 1.2 As a result of the consultation, the [Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021](#) (the 2021 Regulations) were made on 22 July 2021 and will come into force on 11 November 2021. They insert a new provision into [the Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#) requiring all persons working or deployed in any CQC registered care home (which provides accommodation together with nursing or personal care) to be fully vaccinated against COVID-19, unless an exemption applies. Whilst the 2021 Regulations extend to both England and Wales, they will apply to England only.
- 1.3 The scope of the new rules mean that they will not just impact upon care home providers and care home staff: they apply to **anyone working or deployed in a care home unless** an exemption applies. This is regardless of role, how often the individual works in the care home, or, who employs them.

2. PURPOSE

The purpose of this policy is to set out the CCG's position on the mandatory COVID vaccination requirements and the CCG's expectations for staff in respect of those requirements.

3. SCOPE

This policy applies to all staff employed or engaged by the CCG who work, or may be required to work, in a care home setting in order to fulfil their role / carry out their duties.

4. EQUALITY AND DIVERSITY STATEMENT

Inherent within all practices, we are committed to the promotion of equal opportunities and the principles of equality and diversity, providing personal, fair, and diverse services across the organisation. As with all our policies, we take responsibilities under the Equality Act 2010 very seriously. We are committed to ensuring that no member of staff receives less favourable treatment because of a protected characteristic e.g. (age, disability, gender, marital status, pregnancy/maternity, race, religion, sexual orientation, gender reassignment), insofar as this is compatible with our obligations under care and health and safety legislation.

5. THE CCG's POSITION

- 5.1 Although it is the responsibility of the Care Quality Commission (CQC) registered care home provider to ensure compliance with the new requirements, it is our responsibility as an employer to ensure that we only send staff who have the correct proof (of vaccination or exemption) to work in a care home. We can only meet our legal obligations if all our staff that are working in or deployed to CQC registered care facilities have had the full COVID-19 vaccination (unless any exemption applies) before 11 November 2021.

North of England Clinical Commissioning Groups

- 5.2 As a result, we request all staff working in or deployed to CQC registered care facilities to provide the CCG with evidence of their full COVID-19 vaccination either using the NHS app, or with a letter from the employee's GP, details on how to request this can be found on the [NHS website](#).
- 5.3 For the avoidance of doubt, the mandatory COVID-19 vaccination requirements will not apply to staff working in any role that is outside the scope of the 2021 Regulations. We shall, however, keep this under review.

6. SUPPORT FOR STAFF

- 6.1 It is normal that some of our staff may have queries about having the vaccine. We have provided, and will continue to provide, credible information and access to relevant authorities about the vaccine to assist with further understanding and answer any concerns.
- 6.2 Staff should check the source of any information they read about the vaccine as we are aware that there is a certain amount of uncertified information available.
- 6.3 To find out more information about the vaccine, please contact your manager who will be able to support you with your queries or will be able to refer your query to an appropriate person.
- 6.4 Information for care home workers and information regarding Personal Protective Equipment can be found on the [Government website](#) and will be referred to in conjunction with this policy.
- 6.5 Should staff, line managers or decision makers have any queries about this policy or require any support to implement anything within it, you should contact the HR Team.

7. EXEMPTIONS

- 7.1 Time-limited exemptions will also be available for those with short-term medical conditions (e.g. people receiving hospital care or receiving medication which may interact with the vaccination). A time-limited exemption is also available for pregnant women should they choose to take it. The temporary exemption certificate can be found [here](#).
- 7.2 The mandatory vaccination rules do not apply: -
- if one or more of the exemptions in Regulation 5 of the 2021 Regulations apply (those who have medical exemptions; residents of that care home; friends and family of residents who are visiting; those entering to assist with an emergency or carrying out urgent maintenance work; and those under the age of 18).
 - where care is being provided in accommodation that is not provided as part of the service user's care or treatment; and/or
 - to the surrounding grounds of any care home premises / accommodation.

8. MEDICAL EXEMPTIONS

- 8.1 Staff will not be subject to the mandatory vaccination requirements if they provide evidence that satisfies us that for clinical reasons they should not be vaccinated with any authorised vaccine ("medical exemption").

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- 8.2 Evidence of medical exemptions must be provided by the staff member's GP or consultant in the form of a letter, report, fit note and/or with supporting medical records, setting out the reason for the exemption. We will provide a contribution towards the costs of providing the medical evidence up to the value of £20.00. We will require evidence of the actual costs incurred before any payment can be made, additional costs will be reviewed on a case-by-case basis.
- 8.3 We shall review this policy and its position on medical exemptions and the evidence required in accordance with any Government guidance that may be published (or revised).
- 8.4 Medically exempt staff will be required to take a Lateral Flow Device Test prior to each shift or prior to attending care home premises, and to produce evidence of their negative test result on request.
- 8.5 Managers should carry out an individual risk assessment for each medically exempt staff member to identify what other additional control measures will need to be in place (if any) to allow them to work safely in a care home.

9. RECRUITMENT

- 9.1 As an employer of staff who are required to visit CQC registered care homes, from the date of this Policy, we shall only employ those who are fully vaccinated in roles that require them to work in a care home setting (unless an exemption applies).
- 9.2 We will be clear to all applicants that the mandatory vaccination will be part of their terms and conditions employment (unless an exemption applies).

10. BANK & AGENCY STAFF

- 10.1 As an employer of staff who attend CQC registered care homes, from the 11 November 2021, we shall only allow those who are fully vaccinated to accept bank shifts that require them to work in a care home setting (unless an exemption applies).
- 10.2 We will be clear to all bank and agency staff that the mandatory vaccination will be part of their terms and conditions engagement (unless an exemption applies).

11. EXISTING STAFF

- 11.1 With effect from the date of this Policy, we shall require all staff employed in roles that are either care home based or may require them to work within a care home setting, to have received both doses of an approved vaccine by 11 November 2021 (unless an exemption applies) in accordance with the following timeline: -

Vaccination timeline
16-week grace period to receive your vaccine commences 22 July 2021
First Covid vaccine dose to be administered by 16 September 2021
Second Covid vaccine dose to be administered by 11 November 2021

- 11.2 Any member of staff (who is not medically exempt) who is unvaccinated by 11 November 2021 may be dismissed if their care home duties cannot be reallocated or

they cannot be redeployed.

- 11.3 There may be members of staff who have advised of their intention to be fully vaccinated but are then unable to meet the mandatory vaccination deadline (i.e., due to long-term ill health or being ill with COVID). Managers should ensure that they understand the reasons for the delay and work with the staff member to agree next steps, with advice and support from HR before any decisions about the individual's future employment are made.

Procedure for Unvaccinated Staff

11.4 The following procedure will be followed: -

- If member of staff is refusing to be vaccinated and has no exemption, explore redeployment options within 7 days of confirmation of their vaccination status. Please refer to the HR28 Redeployment Policy.
- If no redeployment is available, invite the member of staff to a formal meeting, warn that might be dismissed and give right of representation.
- Hold the formal meeting with an independent manager, with appropriate authority (who should be provided with a pack containing the relevant correspondence, the informal meeting notes, and details of any efforts to secure redeployment.
- If the member of staff will not be fully vaccinated by 11 November 2021, and there are no options for redeployment, a decision may be taken to dismiss with notice and confirm outcome in writing.
- Provide the member of staff with the opportunity to appeal. Appeals against redeployment as an alternative to dismissal will be considered as part of the disciplinary appeals process. Please refer to the HR07 Disciplinary Policy.
- **HR should be involved in all procedures related to unvaccinated staff and no decisions made regarding the termination of employment without advice from the HR Manager.**

See Appendix 1 for Flowchart and Appendix 2 for Checklist.

Roles & Responsibilities

11.5 **Line managers will be responsible for: -**

- Requiring staff to confirm, in writing, their vaccination status no later than 31 October 2021.
- Noting the deadline for vaccinations.
- Noting the deadlines for notice to be given to staff to ensure notice periods are worked in full if decisions to dismiss have to be made.
- Having an informal meeting with staff who do not intend to be vaccinated or are medically exempt to discuss next steps.
- Considering redeployment opportunities or reallocation of duties and recording outcomes; and

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- Referring staff who do not intend to be vaccinated and cannot be redeployed to HR (who will appoint an independent manager to hold a formal meeting with the staff member to discuss their case and make a decision on their future employment).

11.6 HR will be responsible for: -

- Ensuring line managers are aware of their obligations under this policy and deadlines for compliance.
- Supporting line managers considering redeployment opportunities or reallocation of duties.
- Arranging formal meetings with staff and an independent line manager to discuss their case and make a decision on their future employment.
- Arranging any appeal meeting required with a second independent manager.
- Collating and sharing information packs to the independent manager, the member of staff and their representative in advance of the formal meeting or appeal meeting.
- Supporting decision makers throughout this process.

12. RISK ASSESSMENTS

We will continue to review and carry out risk assessments to ensure that we comply with our statutory duties. The approach we take is developing as new information and data is published and we will keep staff updated of any changes which affect them.

13. REDEPLOYMENT

- 13.1 For existing staff who do not wish to have the vaccine, line managers must proactively consider redeployment opportunities with the individual before any decisions are made about their future employment.
- 13.2 Redeployment opportunities can be identified from current vacancies and/or discussions with HR and managers in other departments. Staff should be encouraged to make their own enquiries and put forward redeployment options for further consideration.
- 13.3 If a decision is made to dismiss, line managers and staff should continue to consider redeployment opportunities throughout the notice period.

14. FALSIFICATION OF INFORMATION

Any member of staff who misrepresents information relating to their vaccination status or medical exemption may be subject to disciplinary action and/or dismissal without notice.

15. VACCINATION DATA

- 15.1 Data on vaccination status is being collated, used, and processed for the purposes of delivering services to patients, clinicians, the health services and adult social care services workforce and the public about and in connection with COVID, including the provision of information, fit notes, and the provision of healthcare and adult social care services.

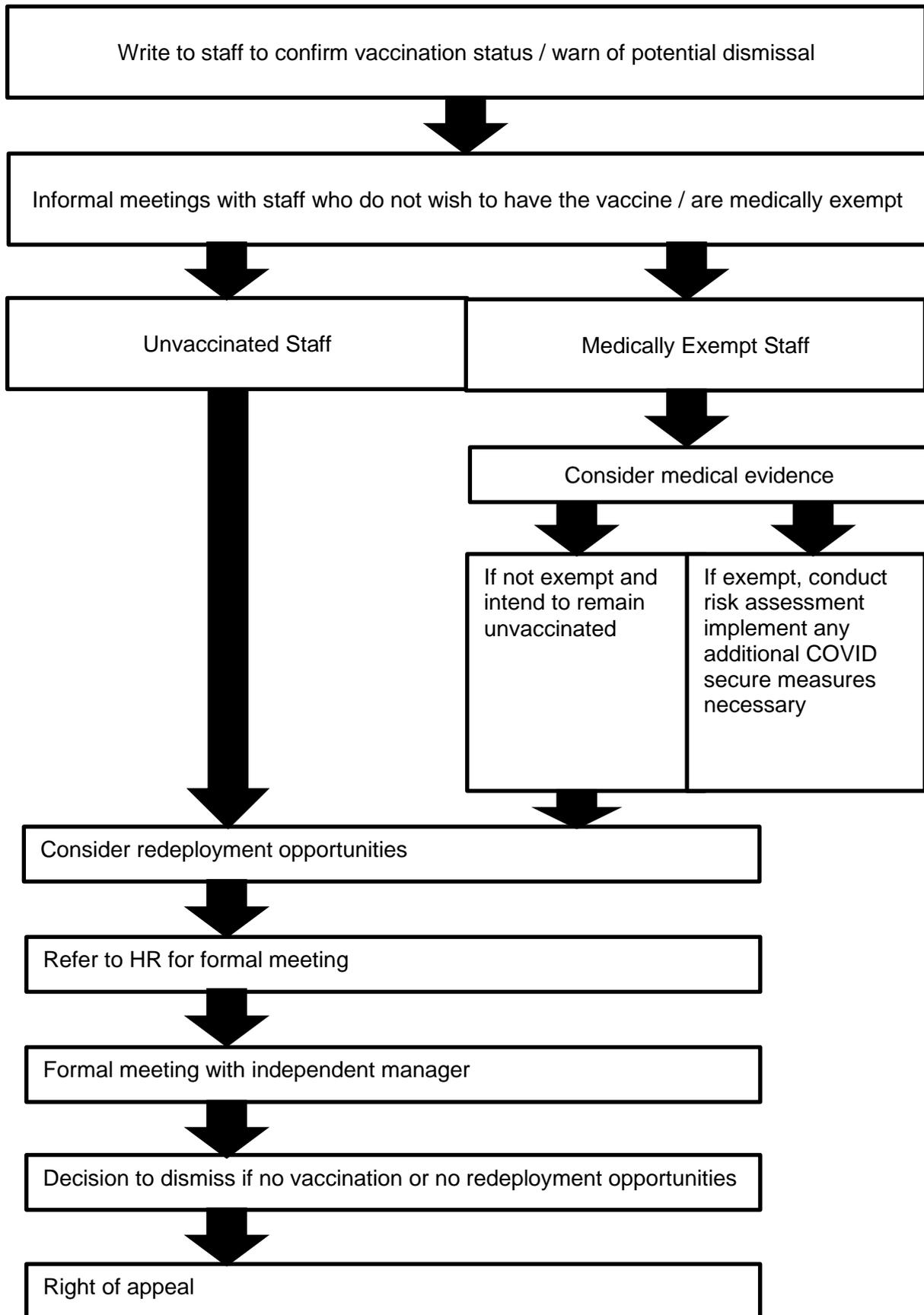
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- 15.2 Vaccination status data is 'health' information and will be kept confidential, with access to it strictly controlled. It is also 'special category' data for the purposes of data protection legislation (the UK GDPR), which means that it must be used fairly, lawfully, supported by good reasons, and in compliance with other specific obligations under data protection law.
- 15.3 In accordance with our privacy notice for staff, we shall collate and hold information on an individual's vaccination status securely and in compliance with our obligations under the General Data Protection Regulation, the UK Data Protection Act 2018, and all other data protection legislation.

16. REVIEW OF THIS POLICY

- 16.1 We reserve the right to change and amend this policy at any time and implement changes at short notice.

APPENDIX 1 – FLOWCHART



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APPENDIX 2 – CHECK LIST

NOTE: staff will be required to work their notice periods in full if decisions to dismiss have to be made. Therefore, line managers should ensure that the process that is followed takes the deadlines for notice to be given to staff in account.

Action	Date	By	Tick when completed
Speak to staff to discuss their intentions including those employees who are currently absent from work including sickness, maternity etc.		Line manager	
Write to all staff, including those absent, to confirm their vaccination status / intentions		Line manager	
Response Form to be scanned and sent on to named contact in HR and information recorded on a spreadsheet		Line manager	
For those who have chosen to be vaccinated, Line Manager to monitor vaccination dates and record vaccination details		Line manager	
For those who advise they are medically exempt, ensure sufficient evidence received of the exemption in one of the following formats: GP/Consultant letter/fit note/medical records which should be scanned and sent to named contact in HR		Line manager	
Have informal meetings with all staff who have chosen not to be vaccinated or believe that they are medically exempt		Line manager	
If staff are not exempt and still do not wish to be vaccinated, consider redeployment opportunities		Line manager	
If redeployment not possible, refer to HR to arrange a formal meeting with an independent manager		Line manager	
HR to arrange formal meeting with member of staff, their representative and an independent manager		HR	
HR to collate and share information pack for meeting in advance with member of staff, their representative and the independent manager		HR	
HR to attend meeting to provide procedural support and act as note taker		HR	
If decision made to dismiss, outcome to be confirmed in writing together with right of appeal <i>NOTE: dismissal will be with notice and staff will be expected to work their notice period.</i>		Independent Manager	
If appeal lodged, HR to arrange appeal meeting with member of staff, their representative and independent manager		HR	
HR to collate and share information pack for appeal meeting in advance with member of staff, their representative and the independent manager		HR	
HR to attend appeal meeting to provide procedural support and act as note taker		HR	
Appeal outcome to be confirmed in writing		Appeal Manager	