

Wiltshire Council Human Resources

COVID-19 Vaccination policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

With effect from 11 November 2021 the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 (the “Regulations”), make it mandatory for those working in care homes to have COVID-19 vaccination.

The legislation applies to care homes in England that:

- are registered with the Care Quality Commission (CQC); and
- provide accommodation for residents who require nursing or personal care, including younger vulnerable adults.

Vaccination against COVID-19 is the best way that workers can keep themselves and those they care for safe from the effects of the virus. Sustaining high levels of staff vaccination now, and in the future, as people enter the workforce, is important to minimise the risk of outbreaks in care homes, which continue to be high-risk settings.

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Who does it apply to?

This policy applies to all Wiltshire Council employees, volunteers, students, agency staff and contractors who work in or are required to enter the indoor premises of a CQC care home that provides accommodation for residents who require nursing or personal care, including vulnerable adults.

This policy does not apply to teaching and non-teaching staff employed in maintained schools or academies.

When does it apply?

It applies for all roles that either work in or visit a CQC home as defined by the Regulations. This includes anyone who enters a CQC care home for a job interview.

When does it not apply?

This policy does not apply to employees, volunteers or agency staff who:

- are under the age of 18; although under 18's are encouraged to have the vaccination
- enter to assist with an emergency or are carrying out urgent maintenance work; or
- work only in the outdoor surrounding grounds of a care home's premises.

Data Protection and GDPR (General Data Protection Regulations)

Medical information that you have received a vaccine will constitute special category data so Wiltshire Council will keep records of this and do so in accordance with GDPR and the Data Protection Act 2018.

Data protection (privacy notice)

Wiltshire Council processes personal data collected during all stages of this policy and procedure in accordance with its data protection policy as required by GDPR. Data collected is held securely and is only disclosed to and accessed by individuals.

Inappropriate access or disclosure of employee data constitutes a data breach and must be reported in accordance with the Council's data protection policy. Any such breaches may result in an investigation which could lead to action under the disciplinary procedure. The full privacy notice can be read on the front page of HR Direct.

What are the main points?

Mandatory vaccination

In accordance with legislation you must have had a full course of the approved MHRA (Medicines & Healthcare products Regulatory Agency) COVID-19 vaccine, unless you are medically exempt.

By the 11 November 2021 you must have had both doses.

Booster doses are not currently included in the regulations, but managers are strongly advised to encourage staff to take up booster vaccines if eligible, and a provision for booster vaccines may be added to the regulations in the future.

Recruitment of staff

As part of the recruitment process successful applicants will be required to provide evidence that they are fully vaccinated with an approved COVID-19 vaccine or that they are medically exempt.

It will state in the advert this requirement and will be one of the pre-employment checks and will be part of the employment contract.

Wiltshire Council's registered person

The registered person is the person registered with the CQC as a manager or service provider. The registered person is responsible for ensuring that everyone who enters their care home is either vaccinated or exempt, as defined in the legislation.

Registered persons may arrange for another person to carry out certain tasks to help comply with the regulations. While this is acceptable, the registered person is the one who remains legally responsible for compliance with the regulations.

The registered person must ensure that they do not allow anyone to enter the inside of a care home, unless they have had a complete course of doses of an authorised vaccine or fall into one of the exempted groups. Refer to the [“Coronavirus \(COVID-19\) vaccination of people working or deployed in care homes: operational guidance”](#) section 7 for more guidance on this responsibility.

Emergency assistance

If someone is entering the care home for emergency assistance for an incident in the care home itself, or in relation to an incident in a neighbouring building (for example if access is required to respond to a fire), they will not need to show proof of vaccination or medical exemption.

It is the registered person's responsibility to use their professional judgement to determine whether a situation is an emergency. Registered persons will be

expected to keep a log of all emergency situations, including details of the circumstances, during which people entered the home without showing proof of vaccination or exemption.

An emergency could include (but is not limited to):

- members of the public assisting in the event of flood or fire
- social workers responding to immediate safeguarding concerns

In addition, emergency services staff attending the care home in the execution of their duties are exempt from the requirement.

How to get a vaccination

Vaccinations can be booked online through the National Booking Service or by ringing 119. It is also possible to visit one of hundreds of walk-in centres across the country without the need to book in advance. Find your nearest centre at nhs.uk/grab-a-jab.

For staff who are required to have the mandatory vaccination they are able to take paid time off attend a vaccination appointment during work time.

Evidence of vaccination

For staff that have been vaccinated by the NHS in England can demonstrate their vaccination status using the NHS COVID Pass service via the following three routes:

- The NHS App - the vaccination status can be found within the NHS COVID Pass service of the NHS App.
- the NHS website - the NHS COVID Pass can be accessed via the NHS website. This displays the same information as is contained within the NHS app via an online web page - and can be accessed via [Get your NHS COVID Pass](#).
- the NHS COVID Pass letter – an employee can get an NHS COVID Pass letter sent to them in the post, which shows that they have been vaccinated against COVID-19. They do this by requesting a COVID Pass letter online via [Get your NHS COVID Pass](#) or calling 119 (for those vaccinated in England only)

Scotland, Wales or Northern Ireland vaccination certificates:

For staff vaccinated in Scotland information on how to obtain a record of their COVID-19 vaccination status can be found nhsinformscot.

For staff vaccinated in Wales information on how to obtain a record of their COVID-19 vaccination status can be found gov.wales.

For staff vaccinated in Northern Ireland information on how to obtain a record of their COVID-19 vaccination status can be found nidirect.gov

Recording of vaccination

As it is a legislative requirement that employees who work in or are required to enter a CQC home have had the MHRA COVID-19 vaccination the council has to hold a record that for each employee this has been recorded. This information will be held in SAP (infotype 34) with the date the evidence of the vaccination was seen. Managers can contact recruitment@wiltshire.gov.uk with this information so it can be held in SAP against the employee. When required during a CQC inspection the information can be reported out to be provided to the CQC inspector.

Medical exemptions

For a small number of people vaccination it is not appropriate due to clinical reasons. These medical exemption reflect the Green Book on Immunisation against infectious disease (COVID-19: the green book, chapter 14a) and clinical advice from The Joint Committee of Vaccination and Immunisation (JCVI).

Staff where this applies would have to demonstrate a clinically approved exemption from this requirement.

For staff where it has been confirmed they are medically exempted from vaccination the service should undertake a risk assessment to reduce risk of transmission. This might include a change to their duties where such a change is appropriate. It should also be taken into account that those that are exempt from vaccination may also be in the clinically extremely vulnerable category.

Refusal to be vaccinated

It is a legislative requirement that employees who work in or are required to enter a CQC home have had the MHRA COVID-19 vaccination by the 11 November 2021.

If an employee is not medically exempt from having the vaccination and still refuses to be vaccinated the registered person, with support from HR advisory, will consider what options are available, which may include looking for an alternative role.

As the request to have the vaccination is a requirement of the employment and where an alternative role is not possible or available the disciplinary policy will be followed where a decision of dismissal could be considered.

Roles and responsibilities

Employee responsibilities

1. For those employee's whose roles requires them to have the COVID-19 vaccination to read this policy and engage with the requirements of the legislation.

Line manager responsibilities

2. To support the registered persons at the council to identify all roles which require the mandatory COVID-19 vaccination and to ask these employees for evidence that they have had the vaccination and ensure this is recorded in SAP
3. To sign post employees to additional information and support regarding the COVID-19 vaccination as required
4. To ensure that for any employees who are medically exempt that a current risk assessment is done
5. To take action, with support from HR advisory, where an employee is not vaccinated and is not medically exempt.

HR responsibilities

6. To provide further support as necessary

Definitions

MHRA - Medicines & Healthcare products Regulatory Agency
JCVI - Joint Committee of Vaccination and Immunisation

Equal Opportunities

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

Legislation and codes of practice

- The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021
- The Health and Safety at Work Act 1974
- Code of Practice on Infection Prevention and Control

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

Advice and guidance

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

Government information

Department of Health and Social Care: Coronavirus (COVID-19) [vaccination of people working or deployed in care homes: operational guidance](#)

There are a range of published resources with information about the vaccine that can be used to support vaccination conversations with staff:

- <https://www.gov.uk/government/publications/COVID-19-vaccination-guide-for-older-adults>
- <https://www.gov.uk/government/publications/COVID-19-vaccination-what-to-expect-after-vaccination>
- <https://www.gov.uk/government/publications/COVID-19-vaccination-and-blood-clotting>
- <https://www.gov.uk/government/publications/COVID-19-vaccination-women-of-childbearing-age-currently-pregnant-planning-a-pregnancy-or-breastfeeding>
- <https://www.gov.uk/government/publications/COVID-19-vaccination-easy-read-resources>
- [NHS England and NHS Improvement London » COVID-19 vaccine communication materials \(videos in different languages\)](#)
- [UK COVID-19 vaccination uptake plan](#) (published 13 February 2021).
- The Department of Health and Social Care has produced a toolkit of resources that is tailored for the adult social care sector. This is available online at [Public Health England's Campaign Resource Centre: Vaccine Communications Toolkit for Adult Social Care](#).

For further information please speak to your supervisor, manager, service director or contact your [HR case adviser](#).