

**Staffing Policy Committee
15 September 2021**

Mandatory COVID-19 vaccination policy

Purpose

1. To seek approval to take the newly drafted “Mandatory COVID-19 vaccination” policy to JCC in October for consultation and then for this policy to be applied straight after JCC and before the next SPC in November to be able to meet the legislation implementation date of the 11 November 2021.

Background

2. 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 who work or are required to enter the indoor premises of a Care Quality Commission (CQC) home to have the COVID-19 vaccination.
3. The council has 3 CQC homes (Bradbury house, Bradbury Manor and Meadow Lodge) where we employ approximately 100 staff. In addition, we have approximately another 300 staff in adult social care who as part of their duties visit CQC homes which are owned by other organisations, eg Order of St John Care Trust.

Main considerations

4. To ensure compliance with the Regulations, the “Mandatory COVID-19 vaccination” policy has been drafted.
5. By the 11 November 2021 relevant staff must have had both COVID-19 vaccinations, unless they are medically exempt or under the age of 18. Any booster vaccinations are not currently included in these Regulations. The Regulations make it the responsibility of the “registered person” with the CQC for ensuring that everyone who enters their care home is either vaccinated or exempt. We have 4 staff at the council who are defined as the “registered person”.
6. For staff that have been vaccinated by the NHS in England they can demonstrate their vaccination status using the NHS COVID Pass service, either via the NHS App; the NHS website; or the NHS COVID Pass letter by calling 119
7. For staff who have been confirmed as being medically exempt* from vaccination the service will need to undertake a risk assessment to reduce risk of transmission. This may result in a change in duties for these staff.
8. During implementation of this new policy where when asked, any current member of staff refuses to be vaccinated, one of the council’s registered person, with support from

HR advisory and additional professional advice from Public Health and Occupational Health as necessary, will consider what options are available, which may include looking at alternative roles for them. Ultimately as the requirement to have the vaccination is now a legal requirement and if an alternative role is not possible or available, the disciplinary policy would be applied.

9. As part of the recruitment process successful applicants into roles which either work or need to enter a CQC home 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.
10. As the Regulations apply to all CQC care homes across all sectors, the council asking for mandatory vaccination as part of the pre-employment checks will be the same as all other organisations that run CQC homes. Therefore, it is not expected the Regulations will adversely impact recruitment or retention of council staff.

Reason for the policy

11. It is a legislative requirement that from the 11 November 2021 the council ensures its staff who work in or need to enter a CQC care home as part of their work, have had the COVID-19 vaccination or are medically exempt.
12. The council's registered person also has to check and record that all other people who enter one of our CQC homes have also been vaccinated. This includes, volunteers, students, agency staff and contractors. There are exemptions for emergency situations. The "*coronavirus (COVID-19) vaccination of people working or deployed in care homes: operational guidance*" provides further advice for the registered person to follow.
13. It is also a legislative requirement that the council hold a record to prove that all staff in relevant roles have had the COVID-19 vaccination or are medically exempt. This information will be held in SAP and can be reported out when required as part of a CQC inspection.

Environmental impact of the proposal

14. It is anticipated that this policy will have a neutral environmental impact.

Equalities impact of the proposal

15. This policy will be taken to an equality impact assessment panel and all comments from that panel will be considered against this policy and the legislation.

Risk Assessment

16. It is a legislative requirement that the council ensures its staff who work in or need to enter a CQC care home as part of their work, have had the COVID-19 vaccination or

are medically exempt. If the council fails to comply with the legislation, there are risks to service delivery and potential reputational risks.

Financial Implications of the proposal

17. There are no material financial impacts arising from the implementation of the policy.

Recommendations

18. It is recommended that Staffing Policy Committee confirm their agreement of this new draft policy to go to JCC for consultation, and to implement following consultation.
19. If during consultation any amendments to the current draft policy are required SPC give authority to the Director HR&OD to consider these amendments and update the policy as necessary.

Joanne Pitt
Director HR&OD

Report Author: Janice Hiscock, HR Consultant, Policy and EDI
Supported by: Jan Juillerat, HR & OD Strategy & Insight Manager