

# Coronavirus (Covid-19) Mandatory Vaccination of Staff, Volunteers and Visiting Professionals in Care Homes (England) Policy

## Policy Statement

This policy shows how the care provider is implementing the requirements for the mandatory vaccination of its staff made under the amendments to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Regulation 12 (Safe Care and Treatment).

The scope of the policy applies to care homes only, although the Government has recently announced that there will be an extension of the mandatory vaccination programme to NHS and domiciliary care staff with likely effect from April 2022.

The requirements are that after 11 November 2021 people can only enter a CQC-registered care home in England if they provide the registered person with evidence that satisfies the registered person they have been vaccinated against Covid-19 with the complete course of an authorised vaccine unless they meet one of the following requirements:

- the person is a service user of the regulated activity in the premises used by the registered person
- the person has provided the registered person with evidence that satisfies the registered person that for clinical reasons they should not be vaccinated
- it is reasonably necessary for the person to provide emergency assistance in the premises
- it is reasonably necessary for the person to provide urgent maintenance assistance to the premises
- the person is a member of the emergency services in execution of their duties
- that a person is a friend or relative of the service user visiting the service user
- the person is visiting a dying service user
- it is reasonably necessary for the person to provide comfort or support to a service user in relation to a service user's bereavement following the death of a relative or friend
- the person is under the age of 18, but any staff member who is employed under the age of 18 must be fully vaccinated on reaching the age of 18.

To meet these new requirements and to comply with the regulations under which they are made, the home is following the [Coronavirus \(COVID-19\) Vaccination of People](#)

*Working or Deployed in Care Homes: Operational Guidance* issued by the Department of Health and Social Care (updated — September 2021) and Care Quality Commission guidance which describes how CQC will ensure that care providers have a robust governance process for the vaccination of their staff and others to whom the regulation applies by 11 November 2021.

The Downes acknowledges that the Care Quality Commission will then proceed to:

- monitor the vaccination and Covid-19 status of staff
- ensure staff (and volunteers, who for this purpose will be treated like staff) maintain an up-to-date vaccination status (by providing guidance and assistance for staff to get vaccinated) and ensure staff maintain up to date best infection prevention and control practice
- monitor vaccination and Covid-19 status of personnel entering the care home
- where applicable, make reasonable adjustments to ensure people using the service receive safe care and treatment
- ensure new registered managers' applicants are fully vaccinated or exempt and are aware of their duties in relation to the regulations regarding Covid-19 vaccination.

The Downes is also aware that they must apply the above requirements to all persons wishing to enter the premises of the care home including health care professionals, interviewees for jobs in the care home, CQC inspectors, external trainers, hairdressers, beauticians, etc in terms of their vaccination status or exemptions.

It also understands that they would have a reasonable excuse for not giving access to a CQC inspector, who could not show proof of their vaccination status.

As a care provider therefore we will show that:

- we keep a record to verify and confirm that we will allow only fully vaccinated people to work in the care home, act as volunteers or to carry out their responsibilities as visiting professionals in line with the regulations
- check that people who have not been vaccinated who wish to enter the premises meet the exemptions as described above
- check that any unvaccinated person who seeks to work in the premises in line with the regulations has a medical exemption that can be verified and recorded
- all records kept meet data protection laws
- we are regularly monitoring and auditing our records to comply with the requirements to ensure compliance
- we are educating, encouraging, and supporting our staff about the importance of vaccination as a key element in the prevention and control of Covid-19

- we are providing staff with the appropriate support to access vaccination if they need it
- we will ensure that the mandatory vaccination policy is included in our staff advertising and recruitment procedures, including for any registered manager post
- we will keep our policy and practices up to date in the event of any changes in the vaccination requirements such as the need for “boosters” or in the regulations.

The Downes will make all strenuous efforts to ensure there is full compliance by 11 November 2021 and afterwards, including the changes that will be required to its staff recruitment, and staff conditions and terms of service.

The Downes has made all necessary adjustments to its procedures for the delivery and collection of mail and goods that require proof from the personnel involved for proof of vaccination status to enter the building.

## Procedures

### General

1. We have recorded all available evidence with staff's consent that they are already fully/partially/not vaccinated.
2. All staff now entering the care home have proved that they are fully vaccinated using as evidence an approved method identified in the DHSC operational guidance, ie:
  - a. use of the NHS app from which details have been recorded, verifying that they have had a complete course of an approved Covid-19 vaccine
  - b. through the NHS [Get Your NHS COVID Pass Letter](#) scheme
  - c. appropriate certification for new staff who have recruited from outside England but who have been vaccinated in another UK country.
3. The care provider is following all guidance on individuals who can show that they are exempt from the vaccination rule on medical grounds, including:
  - d. the carrying out of risk assessments
  - e. re-deployment, working from home or extended leave where practical
  - f. the application of suitable additional infection prevention and control measures.

### Checking

The Downes will have arrangements in place to enable registered as vaccinated/clinically exempt staff to enter and leave the premises with minimum delay.

Entry for people who need to prove their vaccination status before entry might be enabled by their sending proof in advance through their use of any of the above approved methods, and agreeing to that information being recorded for access purposes.

Otherwise they must enter the building through an assigned checkpoint at which they must show proof of their vaccination status.

## **Use of records**

The Downes will keep a record of the vaccination or exemption status of all staff members and the date and time that it was first/last checked. These records will then be used to check people's vaccination/exempt status in the home as there is no requirement for anyone to show proof or verification after the initial checking and recording.

The Downes checks the records at least weekly to ensure that they are up to date. It will share these records on request with the CQC to show its compliance with the new regulation.

A separate record will be kept (with their consent) for regular visitors such as hairdressers etc who need to show their vaccination status which can be referred to on each occasion they visit so that they do not have to show proof on every occasion.

A one-off visitor who has to show their vaccination status as a condition of entry will have the date and time recorded, and with their consent this record might be kept for future reference or deleted on exit if that is their wish, though this will mean that they would have to show proof on any future occasion.

With all records the care home understands that it only needs to include verification of proof by an approved method of complete vaccination with date and time of that having been done and no other personal information is necessary to comply with data protection law.

## **Information**

The Downes has made all its stakeholders aware of the vaccination rule for those who will be required to show proof of their status/medical exemption for entry to the home.

## **Implications of any staff who cannot provide their vaccination status/medical exemption status**

The Downes will not allow entry for anyone who cannot prove their vaccination status/that they are medically exempt, when they will be required by law to do so.

The Downes looks into the circumstances and reasons for any staff member who cannot meet the requirement and will take a proportionate decision in relation to them.

For any individual placed in this position the home will explore all available options, which might include taking paid/unpaid leave until the conditions are fulfilled, re-deployment out of the home, (though impractical in most cases) or dismissal.

The Downes has made all staff aware that the regulations provide a fair reason for dismissal if anyone is not vaccinated or medically exempt. The home has ensured that it is acting fairly and reasonably and that they have been given every opportunity to be vaccinated as required.

The Downes has made all staff members under 18 years old on 11 November 2021 aware that they must show proof of vaccination/medical exemption in order to be able to work on reaching the age of 18. It also has suitable contingency arrangements in line with government guidance for any staff member who has been partly but not fully vaccinated by 11 November 2021, but who has arranged to be fully vaccinated as soon after as possible.

The Downes continues to apply all required infection prevention and control measures regardless of the fact of having a fully vaccinated workforce. It ensures through risk assessments and control measures that unvaccinated people work or use the care home safely. The home will be nominating its IPC lead to take part in the Infection Prevention and Control Champions initiative being launched by the Government in November 2021.

The Downes is aware of its duty to comply with the Equality Act 2021 to make reasonable adjustments for any person with protected characteristics. However this does not mean that people with protected characteristics are exempt from the requirement, but that they will be treated fairly and without discrimination in any matters that arise over non-compliance or difficulties in meeting the requirement in the given timescales.

The Downes continues to seek guidance and support from its partnership agencies, particularly commissioners in respect of any difficulties arising from the implementation of this policy and in the care home's capacity to provide safe good quality care.

## Medical Exemptions

The Downes:

- recognises that the Government is releasing a new NHS Covid Pass system from December 2021 which unvaccinated care staff will use to apply for formal medical exemption, and the current temporary arrangements will cease to have effect
- understands that the period of temporary medical exemption using self-certification will end 12 weeks after the launch of the NHS Covid Pass
- until then we are using as a template the forms provided with the Government's operational guidance
- accepts that its staff and eligible others do not need as yet to get medical proof for the temporary exemption, but we are entitled to ask general questions about the

person's health similarly as we do with a welfare or return to work meeting when an employee self-certifies a sickness absence.

- understands that it will need to change its policy after the end of the temporary self-exemption period, when certification of exemption on medical grounds will require endorsement and the Covid Pass scheme becomes operational.

## Criteria for temporary self-certification exemptions

The Downes will consider temporary medical exemption certificates in line with government guidance from the following.

People who:

- have medical contraindications to the vaccines such as severe allergy to all Covid-19 vaccines or their constituents (most likely factor for care staff)
- who have had severe adverse reactions to the first dose (for example, myocarditis), and who have been medically advised against a second dose
- are receiving end-of-life care where vaccination is not in their interests
- have learning disabilities, are autistic, or have a combination of impairments which result in acute vaccination distress, for which reasonable adjustments cannot be made
- have short-term medical conditions and are receiving medication which may interact with the vaccination or have been advised against vaccination on medical grounds because of these conditions
- are pregnant, and have been advised against vaccination on medical grounds
- have received a part or full Covid-19 vaccination abroad and for whom it is not clinically appropriate to be vaccinated in the UK, and who can supply sufficient evidence of their vaccination status.

The Downes understands that there will be no exemption for those who hold a religious belief and refuse the vaccine on those grounds.

Any care home employee, volunteer or visiting professional providing a service to the home who provides false information on their self-certification, and therefore results in the care provider being in breach of the regulations, will be disciplined or their services will be at risk of being terminated.

## Training

All staff will be made aware of this policy and of its importance in complying with it.

The Downes will ensure that staff responsible for the development and keeping of the relevant records will be competent in the recording practices involved and their use, and in the confidentiality and data protection issues involved.

Registered Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Policy review date: \_\_\_\_\_

Updated by P Thomas 18/11/21