

MANDATORY CORONAVIRUS VACCINATIONS IN CARE HOMES (H40)

If you require a copy of this policy in an alternative format (for example large print, easy read) Contact the Accessible Information team on 0300 456 8373 who will be able to advise you

This is a controlled document. It should not be altered in any way without the express permission of the author or their representative. On receipt of a new version, please destroy all previous versions.

Date of Issue:	October 2021	Next Review Date:	October 2023
Version:	1	Last Review Date:	N/A
Author:	People Hub		
Directorate:	People Directorate		
Approval Route			
Approved By:		Date Approved:	
Partnership Forum		October 2021	
Links or overlaps with other policies:			
Organisational Change Policy		H29	

Amendment History

Issue	Status	Date	Reason for Change	Authorised

Rapid (E)quality Impact Assessment (EqIA) *(for use when writing policies)*

Policy Title (and number)		Mandatory Coronavirus Vaccinations in Care Homes	Version and Date	Version 1 - October 2021	
Policy Author		People Hub			
An (e)quality impact assessment is a process designed to ensure that policies do not discriminate or disadvantage people whilst advancing equality. Consider the nature and extent of the impact, not the number of people affected.					
Who may be affected by this document?					
Patients/ Service Users <input checked="" type="checkbox"/>		Staff <input checked="" type="checkbox"/>	Other, please state... <input type="checkbox"/>		
Could the policy treat people from protected groups less favorably than the general population? <i>PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below</i>					
Age	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Gender Reassignment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Sexual Orientation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Race	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Disability	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Religion/Belief (non)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Gender	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Pregnancy/Maternity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Marriage/ Civil Partnership	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is it likely that the policy could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers ¹ ; travellers ² ; homeless ³ ; convictions; social isolation ⁴ ; refugees)					
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Please provide details for each protected group where you have indicated 'Yes'.					
VISION AND VALUES: Policies must aim to remove unintentional barriers and promote inclusion					
Is inclusive language ⁵ used throughout?				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>	
Are the services outlined in the policy fully accessible ⁶ ?				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>	
Does the policy encourage individualised and person-centered care?				Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/>	
Could there be an adverse impact on an individual's independence or autonomy ⁷ ?				Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/>	
EXTERNAL FACTORS					
Is the policy a result of national legislation which cannot be modified in any way?				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
What is the reason for writing this policy? (Is it a result in a change of legislation/ national research?)					
Who was consulted when drafting this policy?					
Patients/ Service Users <input type="checkbox"/>		Trade Unions <input checked="" type="checkbox"/>	Protected Groups (including Trust Equality Groups) <input type="checkbox"/>		
Staff <input type="checkbox"/>		General Public <input type="checkbox"/>	Other, please state... <input type="checkbox"/>		
What were the recommendations/suggestions?					
Trade unions have engaged with this process – as per national guidance					
Does this document require a service redesign or substantial amendments to an existing process? <i>PLEASE NOTE: 'Yes' may trigger a full EIA, please refer to the equality leads below</i>				Yes <input type="checkbox"/> No <input type="checkbox"/>	
ACTION PLAN: Please list all actions identified to address any impacts					
Action	Person responsible		Completion date		

Please contact the Equalities team for guidance: For Torbay and South Devon NHS Trusts, please call 01803 656676 or email pdf.sdhct@nhs.net. This form should be published with the policy and a signed copy sent to your relevant organisation.

¹ Consider any additional needs of carers/ parents/ advocates etc, in addition to the service user

² Travelers may not be registered with a GP - consider how they may access/ be aware of services available to them

³ Consider any provisions for those with no fixed abode, particularly relating to impact on discharge

⁴ Consider how someone will be aware of (or access) a service if socially or geographically isolated

⁵ Language must be relevant and appropriate, for example referring to partners, not husbands or wives

⁶ Consider both physical access to services and how information/ communication is available in an accessible format

⁷ Example: a telephone-based service may discriminate against people who are d/Deaf. Whilst someone may be able to act on their behalf, this does not promote independence or autonomy

Contents

1	POLICY STATEMENT	5
2	PURPOSE.....	5
3	SCOPE.....	5
4	EQUALITY AND DIVERSITY STATEMENT	5
5	ROLES AND RESPONSIBILITIES	5
6	TRUST POSITION	6
7	SUPPORT FOR STAFF	6
8	EXEMPTIONS.....	7
9	MEDICAL EXEMPTIONS.....	7
10	RECRUITMENT	7
11	BANK AND AGENCY WORKERS	8
12	EXISTING STAFF	8
13	RISK ASSESSMENTS.....	9
14	REDEPLOYMENT.....	9
15	FALSIFICATION OF INFORMATION	9
16	VACCINATION DATA.....	9
17	TRAINING AND AWARENESS	10
18	REFERENCES.....	10
19	CONTACT DETAILS.....	10
20	MONITORING, AUDIT AND REVIEW PROCEDURES	10
21	APPENDIX 1 – FLOWCHART	11
22	APPENDIX 2 – CHECKLIST.....	12
23	APPENDIX 3 – MEDICAL EXEMPTION SELF CERTIFICATION	14

1 POLICY STATEMENT

- 1.1 This policy is designed to support Torbay and South Devon NHS Foundation Trust to ensure full compliance with the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021.

2 PURPOSE

- 2.1 The purpose of this policy is to set out our position on the statutory mandatory COVID vaccination requirements and our expectations for staff in respect of those requirements.

3 SCOPE

- 3.1 This policy applies to all staff employed by Torbay & South Devon NHS Foundation Trust, together with those on a joint contract with the organisation and another employer who work, or may be required to work, in a care home setting in order to fulfil their role / carry out their duties.
- 3.2 Although not employees of the Trust, bank workers, agency workers and outside contractors will also be required to comply with the policy.

4 EQUALITY AND DIVERSITY STATEMENT

- 4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.
- 4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

5 ROLES AND RESPONSIBILITIES

- 5.1 Managers will be responsible for: -
- Requiring staff to confirm, in writing, their vaccination status no later than 7 days after receipt of the letter.
 - Noting the deadline for first vaccinations (16 September 2021)
 - 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;
 - Where the outcome of the conversation is that the staff member is medically exempt, request medical evidence to be provided as soon as practicable and follow Section 9;
 - Where the outcome of the conversation is that the staff member does not intend to be vaccinated and is not medically exempt, contact the People Hub to seek advice on the commencement of the redeployment process for a period of 3 months (where appropriate). The redeployment process will mirror the process for

ill-health redeployment, contained within the Trust Organisational Change Policy (H29);

- Where the redeployment process has commenced, all reasonable efforts will be made to identify suitable alternative employment within the scope of the Organisational Change Policy. Should no suitable alternative employment be found, a formal meeting will be held to consider termination of employment which will be supported by a senior manager and People Directorate Representative. The staff member will have the right to appeal to an alternative manager and People Directorate Representative.
- 5.2 The People Hub or People Directorate Representatives will be responsible for: -
- Ensuring line managers are aware of their obligations under this policy and deadlines for compliance;
 - Supporting managers with their responsibilities within this policy throughout the process. This may include support with the redeployment process, where applicable.

6 TRUST POSITION

- 6.1 Although it is ultimately the responsibility of the CQC registered care home provider to ensure compliance with the new requirements, it is our responsibility as a service provider to ensure that we only send staff who have the correct proof (of vaccination or exemption) to work in a care home. Otherwise, the care home provider will have no alternative but to make alternative arrangements for provision of the service. 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.
- 6.2 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.

7 SUPPORT FOR STAFF

- 7.1 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.
- 7.2 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.
- 7.3 To find out more information about the vaccine, please contact your manager who will be able to support you with your queries and have access to the latest and most up to date vaccine details.
- 7.4 Should staff, managers or decision makers have any queries about this policy or require any support to implement anything within it, you should contact the People Hub.

8 EXEMPTIONS

- 8.1 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 (e.g. SWAST) 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.

9 MEDICAL EXEMPTIONS

- 9.1 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").
- 9.2 On a temporary basis staff will be able to self-certify that they meet the medical exemption criteria, using the form attached to this policy (appendix 3). Staff will need to sign the form and provide this to their line manager as proof of their temporary exemption status. This temporary self-certification process has been introduced for a short period prior to the launch of the new NHS COVID Pass system which will go live imminently. Once the NHS COVID Pass system is launched, staff will need to apply for a formal medical exemption through that process. This temporary self-certification will expire 12 weeks after the NHS COVID Pass system is launched
- 9.3 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).
- 9.4 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.
- 9.5 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.

10 RECRUITMENT

- 10.1 As a provider of services to 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 they are medically exempt).
- 10.2 We will be clear to all applicants that the mandatory vaccination will be part of their terms and conditions employment (unless an exemption applies).

11 BANK AND AGENCY WORKERS

- 11.1 As a provider of services to CQC registered care homes, from the 11 November 2021, we shall only allow those who are fully vaccinated to accept bank or agency shifts that require them to work in a care home setting (unless they are medically exempt).
- 11.2 We will be clear to all bank and agency workers that the mandatory vaccination will be part of their terms and conditions of engagement (unless an exemption applies).

12 EXISTING STAFF

- 12.1 From September 2021, we shall require all staff employed in roles that are either care home based or who we may require 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

- 12.2 The employment of any member of staff (who is not medically exempt) who is unvaccinated by 11 November 2021 may be terminated if their care home duties cannot reasonably be reallocated and/or the redeployment process under the Trust Organisational Change Policy (H29) has been explored and exhausted. Nothing in this policy removes the rights of trade unions to advise and support their members' rights accordingly"
- 12.3 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 the People Hub team), before any decisions about the individual's future employment are made.

Procedure for Unvaccinated Staff

- 12.4 The following procedure will be followed: -
- If member of staff does not wish to be vaccinated and has no valid exemption, refer to the People Hub for support to commence the redeployment process within 7 days of confirmation. The member of staff will have the right to be accompanied by a trade union representative or workplace colleague at all formal meetings;
 - If the redeployment process has been unsuccessful after the 3-month period, invite the member of staff to a formal meeting to consider termination of employment. This meeting will be chaired by a senior manager, supported by a People Directorate Representative;
 - Hold the formal meeting with the member of staff (and their representative, if applicable), senior manager and People Directorate Representative, the original

line manager and People Directorate Representative, (who should be provided with an information 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 terminate employment with notice and confirm outcome in writing;
- Provide the member of staff with the opportunity to appeal. The appeal meeting will be chaired by an alternative manager, supported by a People Directorate representative.

See Appendix 1 for Flowchart and Appendix 2 for Checklist.

13 RISK ASSESSMENTS

- 13.1 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.

14 REDEPLOYMENT

- 14.1 For existing staff who do not wish to have the vaccine and exemption does not apply, managers must seek advice from the People Hub regarding the redeployment process. The process followed will mirror the process for ill-health redeployment, contained within the Trust Organisational Change Policy (H29).

15 FALSIFICATION OF INFORMATION

- 15.1 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.

16 VACCINATION DATA

- 16.1 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.
- 16.2 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.
- 16.3 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.

17 TRAINING AND AWARENESS

- 17.1 Advice and support will be provided by the People Hub team to support staff and managers in adhering to this policy and their understanding of dealing with statutory mandatory vaccination.
- 17.2 The People Hub team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

18 REFERENCES

- 18.1 [The Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021 \(legislation.gov.uk\)](#)
- 18.2 [Coronavirus \(COVID-19\) vaccination of people working or deployed in care homes: operational guidance - GOV.UK \(www.gov.uk\)](#)

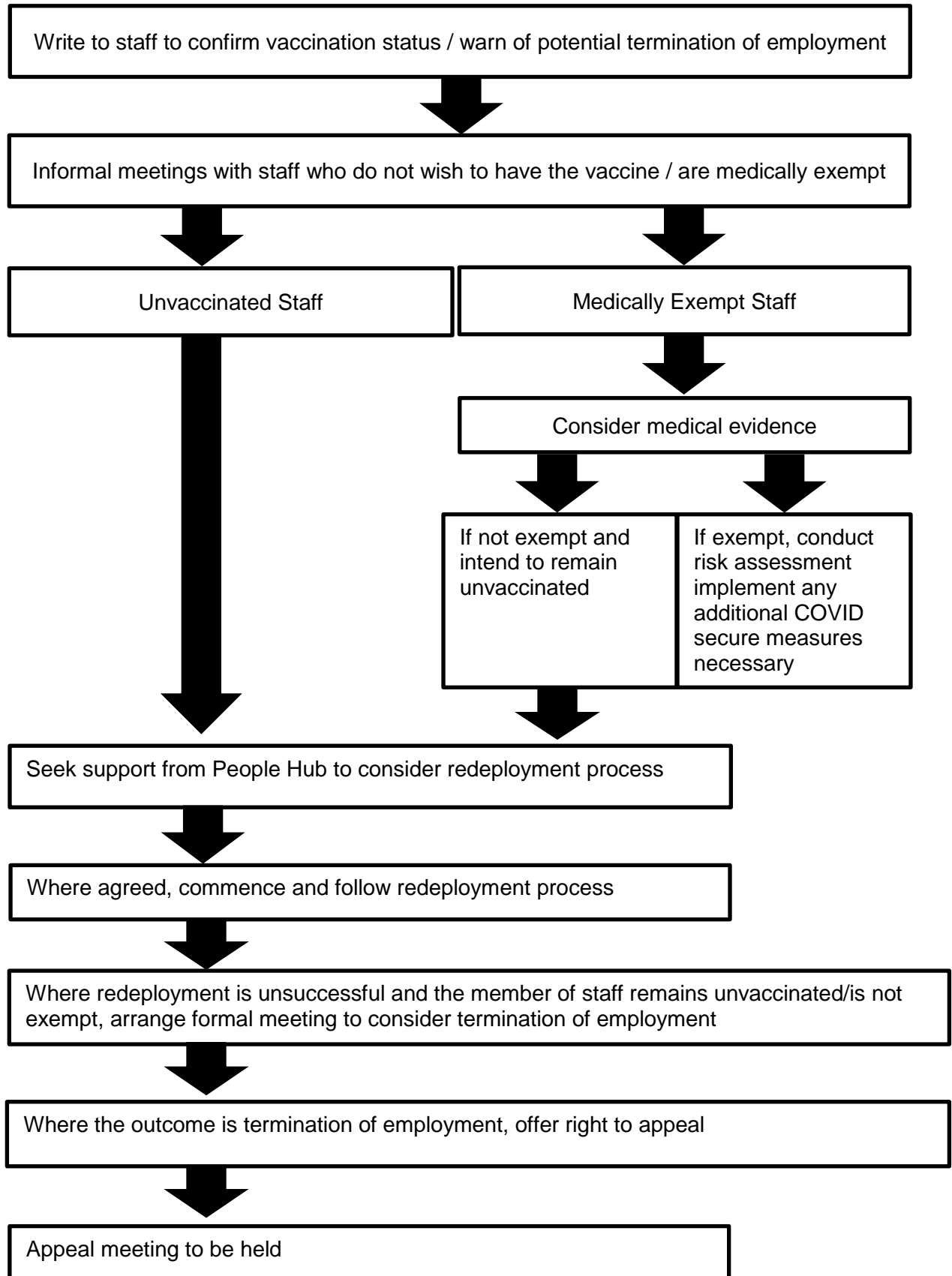
19 CONTACT DETAILS

- 19.1 Any queries regarding this policy should be directed to the People Hub team of the People Directorate.
- People Hub Advice Line – tsdft.humanresources@nhs.net or 01803 655754 (ext. 55754)

20 MONITORING, AUDIT AND REVIEW PROCEDURES

- 20.1 This policy will be monitored and audited on a regular basis. We reserve the right to change and amend this policy at any time and implement changes at short notice.
- 20.2 A full review will take place every two years by the People Directorate unless legislative changes determine otherwise.

21 APPENDIX 1 – FLOWCHART



22 APPENDIX 2 – CHECKLIST

NOTE: where a decision to terminate employment is reached, staff may be required to work their full notice periods. Therefore, managers should ensure that the process is followed carefully considering the tight deadlines.

Action	Date	By	Tick when completed
Initial discussions with staff to communicate new requirements, including those employees who are currently absent from work including due to sickness, maternity etc.		Line Manager	
Write to all staff using template letter, including those absent, to confirm their vaccination status / intentions		Line Manager	
Response Form to be scanned and sent on to COVID Vaccination Inbox (tsdft.covidvaccinationstaffing@nhs.net) and information recorded on a spreadsheet		Line Manager and COVID Vaccination Team	
For those who have chosen to be vaccinated, Line Manager to monitor vaccination dates and record vaccination details/evidence		Line Manager	
For those who advise they are medically exempt, ensure temporary medical exemption self-certification form is completed, scanned and sent to COVID Vaccination Inbox (tsdft.covidvaccinationstaffing@nhs.net) for recording on a spreadsheet. Staff may also provide GP/Consultant letter/fit note/medical records.		Line Manager and COVID Vaccination Team	
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 following informal meeting, seek advice and support from the People Hub on commencement of redeployment process.		Line Manager	
If the redeployment process has been exhausted, seek further advice from the People Hub and arrange a formal meeting with a senior manager, supported by a People Hub Directorate Representative to consider termination of employment.		Line Manager	
Line manager to write short report detailing the process followed to date, with advice from the People Hub. The report should be shared with the member of staff, their representative (if applicable) and the senior manager in advance of the formal meeting.		Line Manager and People Hub	
People Directorate representative to attend the formal meeting to advise the independent manager on policy.		People Hub/Directorate	
If decision made to terminate employment, outcome to be confirmed in writing together with right of appeal.		Senior Manager	
<i>NOTE: termination of employment will be with notice and staff may be expected to work their notice period.</i>			

If appeal submitted, appeal meeting to be arranged chaired by alternative manager, supported by a People Directorate Representative.		Senior Manager and People Hub/Directorate	
Senior Manager and People Directorate representative to collate information pack relating to the process to date, including the decision to terminate employment and share information pack for appeal meeting in advance with member of staff, their representative and the alternative manager (Appeal Chair) and People Directorate Representative.		Senior Manager and People Hub/Directorate	
People Directorate representative to attend appeal meeting to provide support to alternative manager (Appeal Chair).		People Hub/Directorate	

23 APPENDIX 3 – MEDICAL EXEMPTION SELF CERTIFICATION

Medical Exemption – vaccination as a condition of employment

Self-certification form

Example of medical exemptions from the Covid-19 vaccine could include individuals:

- Receiving end of life care where vaccination is not in the individual’s interests.
- With learning disabilities or autistic individuals, or with a combination of impairments which result in the same distress, who find vaccination and testing distressing because of their condition and cannot be achieved through reasonable adjustments such as provision of an accessible environment.
- With medical contraindications to the vaccines such as severe allergy to all Covid-19 vaccines or their constituents.
- Who have had adverse reactions to the first dose (e.g. myocarditis).

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.

Exemptions for conditions listed in section 4.4 (special warnings and precautions for use) in the Summary of Product Characteristics for each of the approved Covid-19 vaccines (Pfizer, AstraZeneca and Moderna) may also be considered.

I hereby certify that I meet the medical criteria for exemption in the guidance above and therefore should not be vaccinated with any authorised Covid-19 vaccine.

I understand that this temporary medical exemption is only valid for the purposes of deployment in care homes and is not valid proof for domestic events, international travel and exemption from self-isolation.

I understand that this temporary exemption will expire 12 weeks after the clinical review process goes live. I understand that 12 weeks after the clinical review process goes live, I will be required to obtain exemption through the clinical review medical exemptions process OR have completed a full course (likely two separate doses depending on the type of vaccine used) of an authorised Covid-19 vaccination to continue to be deployed in a care home after this date.

I acknowledge that providing false information may result in disciplinary action.

Name: _____

Signed: _____ Date: _____