



Mandatory COVID-19 vaccines for staff

What do we know and what is to come?

We now have new legislation requiring care home staff to be vaccinated and there's a consultation due on mandatory vaccination in the wider NHS and social care sector. It's hugely controversial but here's some headlines of what we know.

The new legislation

On 22 July 2021, the government made the new Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 will bring into force mandatory COVID-19 vaccines for those working in and attending care homes from 11 November 2021. Although the regulations are wide ranging and they require full vaccination, there are exemptions.

Exemptions include:

- Clinical reasons why the worker/visitor cannot have the vaccine
- Emergencies
- Urgent site maintenance
- Friends and relatives of residents need not be vaccinated
- Children (under 18)

The vaccine

The vaccine needs to be a complete course of an authorised vaccine. This means that for almost everyone, this is currently two doses.

Impact statement

The government's Health and Social Care Act 2008 Regulations 2021 statement of impact gives a wide variation in estimates, but its central estimate is that around 40,000 workers in care homes will not be fully vaccinated by 11 November 2021. Unless exempt, those workers will not be able to work in care homes, with the related costs of recruitment in the sector reaching £100 million.

Preparing for 11 November 2021

The clock is ticking. It was widely reported that there would be a sixteen week grace period to enable staff to obtain both of their vaccinations. We are now in that grace period and there is much to do:

- Employers should review the government's guidance titled 'Vaccination of people working or deployed in care homes: operational guidance' and look out for revisions. The latest revision is currently 16 August 2021
- Employers will almost certainly already have and be recording the vaccine status of staff. Any that do not,



will now need to begin. This will be sensitive health data, so consider your data protection obligations. The NHS app is likely to be the easiest evidence of vaccine, but the forms of evidence can vary

- Existing and future recruitment should refer to the anticipated need for COVID-19 vaccinations (including booster vaccines) and consider revising contractual documents to reflect the changes
- Consult with staff now. For those that have been reluctant to get their vaccines – we now have an absolute deadline. If they require two doses, they'll need to have had their first dose by 16 September 2021
- Be prepared to examine the vaccine exemptions for staff. This could take some time to research (see the government green book, chapter 14a)

What's to come

Whilst mandatory vaccines for care home staff has received huge media coverage, there is also now a government proposal to consult on further mandatory vaccination in the NHS and wider social care. The consultation has yet to begin, so any extension of mandatory vaccines is unlikely to be in place before 2022.



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MARTIN CHEYNE,
PARTNER

m.cheyne@hempsons.co.uk



The majority of Martin's clients are health or social care organisations and he acts in the full range of claims before employment tribunals. He frequently defends factually complex and also legally novel claims, particularly in relation to disability, sex and sexual orientation discrimination and whistle-blowing allegations.

His advice practise includes executive and senior manager terminations, discrimination issues, TUPE, reorganisations, complex disciplinary matters and concerns with doctors (MHPS). Martin also provides bespoke training on employment topics ranging from TUPE and related procurement preparation, equal opportunities to disciplinary investigations and appeals.

A summary of this article first appeared on Care Home Management's website on 29 June 2021.