

Report to:	EXECUTIVE CABINET
Date:	24 November 2021
Executive Member:	Cllr Brenda Warrington, Executive Leader
Reporting Officer:	Tracy Brennand, Assistant Director (People and Workforce Development)
Subject:	CORONAVIRUS (COVID-19) MANDATORY VACCINATION OF PEOPLE WORKING OR DEPLOYED IN CARE HOMES.
Report Summary:	The report summarises the legislative requirements in relation to mandatory vaccinations of workers who may be deployed or work within a care home setting during their employment/engagement. This will be applicable for both Council and Tameside and Glossop CCG workers and will see the implementation of a Vaccination Policy to support the legislative changes, which come into effect from 11 November 2021.
Recommendations:	That Executive Cabinet be recommend to approve the implementation of the Vaccination Policy detailed in Appendix 1 of this report across the Council and Tameside & Glossop CCG, in line with legislative requirements.
Corporate Plan:	The proposed vaccination policy provides the framework in line with legislation to ensure compliance with the law. The health, safety and wellbeing of our workforce is of utmost importance to us, as is our contribution as a large employer in Tameside to take every reasonable measure possible to prevent the spread of Covid-19 and keep our residents safe. This supports the living well agenda within the Corporate Plan.
Policy Implications:	Vaccination Policy
Financial Implications:	No financial implications.
(Authorised by the statutory Section 151 Officer & Chief Finance Officer)	
Legal Implications:	As set out in the main body of the report the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 comes into force on 11 November 2021, requiring anyone working or volunteering in a care home will need to be fully vaccinated against coronavirus unless exempt. This means all workers within this capacity from the 11 November 2021 are required to provide evidence of vaccination in order to continue in their role.
(Authorised by the Borough Solicitor)	
Risk Management:	The proposals contained in this report ensures the Organisation is compliant with government legislation.
Background Information:	The background papers relating to this report can be inspected by contacting Victoria Marshall, Senior HR/OD Business Partner:

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or

1.0 INTRODUCTION

- 1.1 From 11 November 2021, anyone working or volunteering in a care home will need to be fully vaccinated against coronavirus (COVID-19), unless exempt.
- 1.2 To promote the safety of Tameside care home residents and our employees, any new/existing employees, agency workers, work experience placements or volunteers of the Council, and Tameside and Glossop CCG (referred to collectively as the organisation) who as part of their role are required to visit CQC regulated care homes will be required to be fully vaccinated with a UK approved vaccine with effect from 11 November 2021.
- 1.3 Covid vaccine booster doses are not currently included in the regulations, but managers are strongly advised to encourage workers to take up booster vaccines if eligible, a provision for booster vaccines may be added to the regulations in the future.
- 1.4 Regulation 7 of the legislation requires the Secretary of State to review the operation and effect of the legislation within a year of implementation, and within every year after that.
- 1.5 Implementing this government regulation will help to reduce the spread of Covid-19 in care homes; protecting the most vulnerable in our community and those that care for them.

2.0 WORKFORCE IMPLICATIONS

- 2.1 As stated, the new government regulation comes into force on 11 November 2021.
- 2.2 Under current vaccination guidance, eight weeks are required between the first and second vaccine dose. Therefore, all staff being deployed into a care home, who are not exempt, needed to have had their first dose, at the latest, by 16 September 2021.
- 2.3 In preparation for the legislation, HR have been working with managers to:
 - Ensure the relevant workforce satisfy the legislative requirements, including awareness of any exemptions;
 - Actively support uptake of vaccination; and
 - Proactively plan workforce deployment for services, ahead of 11 November, to avoid disruption to Health & Social Care provision in care homes.

3.0 IDENTIFIED JOB ROLES IN SCOPE OF THE LEGISLATION

- 3.1 All workers working to fulfil a service in a care home are in scope of the legislative changes. This will include, but is not limited to:
 - Social Worker Team Managers / Assistant Team Managers;
 - Social Workers;
 - Assessors / Care Coordinators;
 - Occupational Therapists / OT Assistants;
 - Commissioning and Contracts Officers;
 - Nurses;
 - Medicines Management; and
 - Commissioning Staff.
- 3.2 The legislative requirements will affect approximately 240 (8.7%) employees across the organisation.

4.0 REFUSAL OF VACCINE IN ROLES WHERE IT IS MANDATED

- 4.1 It is understood that the uptake of the COVID-19 vaccine is a personal choice, and we will support our workforce where possible in the decisions individuals make, however from 11 November 2021 the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 ('the Regulations') mandates vaccination for all care home workers including professional visitors. This means all workers within this capacity from the 11 November 2021 are required to provide evidence of vaccination in order to continue in their role.
- 4.2 If an individual refuses to be vaccinated this legally exempts them from performing the duties of their role. In such cases, consideration will be made in relation to the adjustment of the workers duties. Where adjustments would fundamentally change the functionality of the role and/or inhibit service delivery, and therefore make the adjustments not feasible, the worker would be supported through redeployment to a suitable role that does not require mandatory vaccination. Pay protection will be applied (where applicable) in line with the Council's existing pay protection criteria.
- 4.3 At the time of writing this report, following consultation with Directorates, it has been identified that there is one employee who as part of their role would be required to attend a care home setting who is not currently vaccinated. The employee is part of the Individualised Commissioning Team within the CCG. The service have consulted with the employee accordingly and it has been agreed and documented that this will be accommodated as a reasonable adjustment and the employee will no longer be required to attend a care home setting as part of their role.

5.0 RECRUITMENT PRE-EMPLOYMENT SCREENING

- 5.1 Managers will be required to identify the roles in scope of the legislation at the point of seeking approval to recruit. A tick box has been added to the request to fill form and is in operation in order to ensure new recruits meet the legislative requirements.
- 5.2 When recruiting new starters into roles where mandatory vaccination is required, potential candidates will be notified of the requirement at the first stage of recruitment. The requirement will be clearly displayed on the job advertisement, job description and person specification. Evidence of vaccination will also be required as part of the pre-employment check process, without this, no offer of employment will be given, unless proof of medical exemption is provided.

6.0 MEDICAL EXEMPTION

- 6.1 Current criteria for medical exemption as detailed in Covid-19: The Green Book, chapter 14a, are as follows:
- Previous history of allergic reactions to the ingredients of the vaccine; and/or
 - Anaphylaxis from first dose.
 - Pregnancy
- 6.2 On a temporary basis, from 15 September 2021, people working or volunteering in care homes who have a medical reason why they are unable to have a Covid-19 vaccine will be able to self-certify that they meet the medical exemption criteria, this requires a form to be completed and signed and held on record.
- 6.3 This temporary self-certification process has been introduced for a short period prior to the launch of the new NHS Covid Pass system, which is due to go live imminently. Once the NHS Covid Pass system is launched, employees in scope of the legislation 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.

- 6.4 Pregnant women can alternatively use MAT B1 certificates to show their COVID status, if they choose to use a medical exemption. Pregnant women do not need to apply for a medical exemption NHS COVID Pass if they have a MAT B1 certificate. For pregnant women the exemption will expire 16 weeks post-partum. This will allow them to become fully vaccinated after birth.

7.0 REQUIRED EVIDENCE OF VACCINATION STATUS

- 7.1 The NHSX Service are considering how the NHS Covid Pass service could be used to support the vaccine status check process. In the interim, employers can choose to use the existing NHS Covid Pass service to view an individual's vaccination status.
- 7.2 Individuals that have been vaccinated by the NHS in England may demonstrate their vaccination status using the NHS Covid Pass service via the following three routes:
- the NHS App;
 - the NHS website – nhs.uk; and
 - the NHS Covid Pass letter.

An individual's NHS appointment card cannot be used as proof of vaccination status.

8.0 RECORDING VACCINATION/EXEMPTION STATUS INFORMATION

- 8.1 Human Resources will need to know and keep a record for each individual staff member, whose role requires them to go into care homes, to ensure that they are fully vaccinated or have a medical exemption.
- 8.2 There is no requirement to record the clinical reason behind the exemption, there is only requirement to record whether an employee is medically exempt or not. An employee's vaccination status will be 'special category data' for the purposes of GDPR, so data will be securely stored on the HR document logistics database along with other employment information, and access limited to those who 'need to know' for recruitment or deployment purposes.

9.0 IF AN INDIVIDUAL HAS BEEN VACCINATED OUTSIDE OF THE UK

- 9.1 We may be faced with a situation where an individual will have been vaccinated outside of the UK. The Government are still reviewing policy around this matter and working on a solution so further guidance on this will be provided as soon as possible.
- 9.2 In the interim period, there may be situations whereby employment checks may not be met and we have to delay start dates until Government guidance is published.
- 9.3 Should we have an existing staff member vaccinated outside of the UK then reasonable adjustments to the role will be considered and implemented where possible until the supplementary guidance is issued.

10.0 IMPLEMENTATION OF THE LEGISLATION

- 10.1 It will be necessary in the coming weeks to obtain the vaccination status/medical exemption status of all employees whose role is in the scope of the legislative changes.

10.2 Employees will be written, to and evidence requested, and stored on the employees personal file.

11.0 RECOMMENDATION

11.1 As set out at the front of the report.



Vaccination Policy

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1.0 INTRODUCTION

- 1.1 The COVID-19 vaccination is our best defence against the virus alongside effective social distancing, wearing a mask and hand hygiene.
- 1.2 Tameside Metropolitan Borough Council and Tameside and Glossop CCG (known as the organisation hereafter) are fully engaged in supporting the rollout of the COVID-19 national vaccination programme. Vaccination remains the most effective thing anyone can do to safeguard themselves against the virus.
- 1.3 The health, safety and wellbeing of our workforce is of utmost importance to us, as is our contribution as large employer in Tameside to take every reasonable measure possible to prevent the spread of the virus and keep our residents safe.
- 1.4 The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 stipulates that anyone working in a Care Quality Commission (CQC) registered care home in England for residents requiring nursing or personal care or visiting in a professional capacity must have two doses of a COVID-19 vaccine unless they have a medical exemption.
- 1.5 COVID vaccine booster doses are not currently included in the regulations, but we would encourage individuals to take up booster vaccines if eligible. A provision for booster vaccines may be added to the regulations in the future.

2.0 SCOPE OF THE POLICY

- 2.1 This policy applies to all new and existing employees, agency workers, work experience placements or volunteers of the organisation who as part of their role/engagement may require them to be deployed or work within a care home setting.

3.0 JOB ROLES IN SCOPE OF THE LEGISLATION

- 3.1 All workers working to fulfil a service in a care home are in scope of the legislation. This will include, but is not limited to:
 - Social Worker Team Managers/ Assistant Team Managers
 - Social Workers
 - Assessors/Care Coordinators
 - Occupational Therapist/ OT Assistant
 - Nurses
 - Medicines Management
 - Health and Social Care Commissioning
- 3.2 At times, due to demand, a worker that does not visit a care home as standard practice may need to in order to support service delivery. Therefore, this policy is applicable to all individuals within the designated roles.

4.0 MEDICAL EXEMPTION

- 4.1 The criteria for medical exemption are:
 - Previous history of allergic reactions to the ingredients of the vaccine
 - Anaphylaxis from 1st dose

- Pregnancy

4.2 As a temporary measure to assist the implementation of the legislation, individuals who have a medical reason why they are unable to have a COVID-19 vaccine will be able to self-certify that they meet the medical exemption criteria, this requires a form to be completed and signed and held on record, a copy of this form can be obtained from your line manager.

4.3 The temporary self-certification process has been introduced for a short period prior to the launch of the new NHS COVID Pass system. Once the NHS COVID Pass system is launched, workers in scope of the legislation will need to apply for a formal medical exemption through that process. The temporary self-certification will expire 12 weeks after the NHS COVID Pass system is launched.

4.4 Pregnant women can alternatively use MAT B1 certificates to show their COVID status, if they choose to use a medical exemption. Pregnant women do not need to apply for a medical exemption NHS COVID Pass if they have a MAT B1 certificate. For pregnant women the exemption will expire 16 weeks post-partum. This will allow them to become fully vaccinated after birth.

5.0 REFUSAL OF VACCINE IN ROLES WHERE IT IS MANDATED

5.1 We understand that the uptake of the COVID-19 vaccine is a personal choice, and we will support our workforce where possible in the decisions individuals make.

5.2 If an individual refuses to be vaccinated this legally exempts them from performing the duties of their role. In such cases, consideration will be made in relation to the adjustment of the individuals duties.

5.3 Where adjustments would fundamentally change the functionality of the role and/or inhibit service delivery, and therefore make the adjustments not feasible, the individual would be supported through redeployment to a suitable role, which does not require mandatory vaccination.

5.4 Where an individual is redeployed under this policy, pay protection will be applied (where applicable) in line with the organisation's existing pay protection criteria.

6.0 RECRUITMENT PRE-EMPLOYMENT SCREENING

6.1 Managers will be required to identify the roles in scope of the legislation at the point of seeking approval to recruit. This will be identified on the request to fill form.

6.2 When recruiting new starters into roles either via internal or external recruitment potential candidates will be notified of the requirement at the first stage of recruitment.

6.3 Evidence of vaccination status will also be required, as part of the pre-employment screening process, without this, no offer of employment will be given, unless proof of medical exemption is provided.

7.0 REQUIRED EVIDENCE OF VACCINATION STATUS

7.1 Individuals that have been vaccinated by the NHS in England may demonstrate their vaccination status using the NHS COVID Pass service via the following three routes:

- the NHS App

- the NHS website – NHS.uk
- the NHS COVID Pass letter

7.2 An NHS appointment card cannot be used as proof of vaccination status.

7.3 There is no requirement to record the clinical reason behind medical exemption, there is only requirement to record whether an employee is medically exempt or not, this will be recorded on the employee's personal file. In respect of an agency worker engagement, it is the responsibility of the supplying agency to retain such records.

7.4 An employee's vaccination status/medical exemption will be 'special category data' for the purposes of GDPR, data will be securely stored, and access limited to those who 'need to know' for recruitment or deployment purposes.