

Vaccination Policy

Purpose

- 1.1 The UK Government has mandated that it will be unlawful for anyone who works in or needs to be deployed in a care home (which provides accommodation and nursing or personal care) in England to enter. They will be required by law to have a complete course of an authorised Coronavirus (COVID-19) vaccination unless they are exempt. The regulations were laid in Parliament on 22 June 2021 and were made on 22 July 2021. The new law is effective from 11 November 2021.
- 1.2 The report sets out that a Vaccination Policy has been developed as a result, which sets out the Council's position as it affects our workforce and the related rights of our colleagues.
- 1.3 The report also seeks approval of the Vaccination Policy prior to the effective date of the new legislation, 11 November 2021.

Recommendation

- 2.1 To approve the Vaccination Policy.

Reason

- 3.1 The UK government has legislated that it will be unlawful for anyone who works in or need to be deployed in a care home in England to enter the premises without a complete course of an authorised Coronavirus (COVID-19) vaccination. The Vaccination Policy provides guidance and instruction relating to the vaccination for Coronavirus and sets out Derby City Council's stance on the Coronavirus vaccine as it affects our workforce and the related rights of our colleagues.

Supporting information

- 4.1 The statutory requirement guiding this report is the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 ('the Regulations'). These regulations require registered persons of all Care Quality Commission (CQC) registered care homes (which provide accommodation together with nursing or personal care) to ensure that a person does not enter the indoor premises unless they have been vaccinated. This is subject to certain exemptions.

- 4.2 The Scientific Advisory Group for Emergencies (SAGE) Social Care Working Group has highlighted that people living in care homes have been particularly impacted by the COVID-19 pandemic, due to a combination of a heightened risk of severe outcomes following COVID-19 infection and the risk of outbreaks in closed settings. Vaccination makes a crucial difference to some of our most vulnerable residents and the Government have introduced this law to minimise outbreaks in Care Home settings.
- 4.3 In response to the mandatory vaccination legislation a policy for staff has been developed. The purpose of this policy is to set out Derby City Council's stance on the Coronavirus vaccine as it affects our workforce and the related rights of our colleagues. It is recognised that the national and global position with regard to vaccination has the potential to change. Therefore, whilst this policy provides guidance and instruction relating to the vaccination for Coronavirus, the policy may also be seen to apply to any further legislation relating to requirements for vaccinations against other virus or disease, for example, Influenza. It has been written in this way as it is envisaged the law may extend to other areas of care and may also extend to booster doses of Coronavirus vaccine.
- 4.4 From 11 November 2021, all colleagues entering a care home will need to show proof of their vaccination or exemption. If someone deployed in a care home, is not fully vaccinated (and not exempt), they will not be able to enter the care home. In the event that colleagues deployed in care homes choose not to be vaccinated, managers will hold informal discussions with staff. For those colleagues that work directly in the care home setting, processes will be in place to explore whether a suitable alternative role is available. For those colleagues deployed to work in care homes, processes will be in place to explore whether there are other ways to deliver the work differently. The Council will explore any other options, but if not successful, then colleagues could be dismissed, as it will be unlawful for them to enter their usual workplace or a care home setting that they need to attend to fulfil their role.
- 4.5 Having the policy in place enables the Council to clearly set out its position for our colleagues. Colleagues in roles which work in or are deployed in the registered care homes have been communicated with about the new legislation and the vaccination requirement and potential employment implications.

Public/stakeholder engagement

- 5.1 We have engaged with the Equality Impact Assessment (EIA) group with our Race Equality and Access Hub, our Equality and Diversity Lead and with our Information Governance colleagues. We have also engaged with our Trade Union colleagues.

Other options

- 6.1 None – the legislation regarding mandatory vaccinations comes into effect on 11 November 2021.

Financial and value for money issues

7.1 There are no financial implications in introducing a vaccination policy.

Legal implications

8.1 It will be unlawful for certain people within the Council's employment to enter a care home without proof of vaccination status from 11 November 2021. If we do not instigate a mandatory vaccination approach in care home settings, we will be in breach of the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 ('the Regulations'). The policy supports this activity and will aid us in ensuring all colleagues entering care homes are vaccinated (unless exempt) from 11 November 2021.

Climate implications

9.1 None directly arising.

Other significant implications

10.1 The colleague implications have been set out in the Supporting Information.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Charlotte Hutton	19 October 2021
Finance		
Service Director(s)		
Report sponsor	Simon Riley	27 October 2021
Other(s)		
Liz Moore, Head of HR		27 October 2021

Background papers:

List of appendices:

Draft Vaccination Policy
Equality Impact Assessment