

Report to: Governance Committee

Date of meeting: 30 September 2021

By: Chief Operating Officer

Title: Mandatory Vaccination in CQC registered settings

Purpose: To outline the actions required following the implementation of new legislation which makes it a requirement for people entering a CQC registered care home, where personal care or nursing is provided, to have a full Covid-19 vaccination.

RECOMMENDATIONS

The Governance Committee is recommended to agree the proposed amendments to the Pre-employment Checks policy (Appendix 1) and new Covid-19 vaccination policy (Appendix 2).

1. Background

1.1 The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 ('the Regulations') were made into law on 22 July 2021 and require anyone entering a CQC registered care home in England for residents requiring nursing or personal care to have 2 doses of a COVID-19 vaccine, unless they have a medical exemption or are attending to respond to an emergency.

1.2 The legislation comes into force on 11 November 2021 to allow a grace period for staff affected to get a full course of a covid vaccine.

2. Supporting information

2.1 The legislation applies to all CQC registered care homes and will therefore affect relevant provider services across East Sussex as well as the three ESCC run homes: Greenwood (Learning Disability Services), Grangemead (Learning Disability Services) and Milton Grange (Older People's Services).

2.2 As well as staff working directly in the care home, the legislation will also impact on staff and contractors who need to enter the care home to undertake their duties but are not permanently based there, such as IT and Property staff, and contractors. Whilst not everyone in these services would need to have been vaccinated, managers will need to know staff's vaccine status so they can ensure only staff who have been vaccinated, or have a medical exemption, attend these settings to do work.

2.3 If staff cannot evidence that a medical exemption applies, they will have a 16-week grace period from when the legislation is ratified to get vaccinated. Should they indicate they will not get a vaccination then redeployment or dismissal will need to be considered.

2.4 A working group comprising representatives from all relevant services across the Council has considered the actions necessary to ensure compliance with the legislation by 11 November 2021. Following these considerations, a range of actions in relation to the directly employed workforce have been proposed including:

2.4.1 the need to update the 'Pre-employment Checks policy' to reflect the requirement for applicants working in these settings, and for certain roles, to evidence their vaccine status or medical exemption as a pre-employment check. A new Section 5 has been added to the Policy, attached at Appendix 1;

2.4.2 a new 'Covid-19 Vaccination Policy' has been drafted, a copy of which is attached at Appendix 2.

2.5 Engagement with the Trade Unions on the new requirements and their implications has taken place and will continue over the coming months.

3. Conclusion and Recommendations

3.1 It is essential that the Council has in place arrangements that ensures it is compliant with the relevant statutory requirements. The proposals set out in this report will ensure that is the case.

3.3 The Governance Committee are therefore recommended to agree the proposed amendments to the Pre-employment Checks policy (Appendix 1) and new Covid-19 vaccination policy (Appendix 2).

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