

# MANDATORY CORONAVIRUS (COVID-19) VACCINATION POLICY



<b>Effective Date</b>	1 November 2021	<b>Version Number</b>	1.0		
<b>Recommended Review</b>	1 November 2024	<b>Review Frequency</b>	3 years		
<b>Classification</b>	Public	<b>Equality Impact Assessment</b>	Yes	<b>Data Protection Impact Assessment</b>	Yes
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<b>Approved By</b>	Group Director of Care and Support				

## 1. PURPOSE

- 1.1 The purpose of this policy is to outline The Barnet Group's approach to mandatory Coronavirus (COVID-19) vaccinations for those working or deployed in care homes. It replaces any previous versions endorsed by the Group and its subsidiaries.

## 2. SCOPE

- 2.1 This policy applies to all accommodation for those who require nursing or personal care in a care home, that is managed by Your Choice (Barnet) ('YCB'). This accommodation is referred to throughout this policy as 'care home(s)'; however other accommodation settings where nursing or personal care is provided that are registered with the Care Quality Commission (CQC) are also subject to this policy. This policy also applies to any day centres that may be attached to care homes.
- 2.2 This policy applies to all workers employed by The Barnet Group and its subsidiaries YCB, Barnet Homes, and TBG Flex (referred to throughout this policy as 'The Barnet Group') to provide services or any other work-related functions within any of its accommodation that falls under clause 2.1 of this policy, whether routinely or occasionally, including permanent and fixed term employees, agency workers, consultants, contractors, and volunteers. It also applies to any professionals and tradespeople who enter YCB's CQC-registered care homes.
- 2.3 In implementing this policy, The Barnet Group will:
- comply with all relevant legislation and regulatory requirements;
  - provide managers and staff with advice and support regarding mandatory vaccination;
  - treat people fairly and equally; and
  - ensure it has adequate controls in place to maintain a safe and healthy environment.
- 2.4 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

## 3. POLICY STATEMENT

- 3.1 From 11 November 2021 it will become law in England for anyone working in or volunteering in a care home to demonstrate they have had both doses of COVID-19 vaccine or have a medical exemption. This policy sets out the company's approach to mandatory staff vaccination against coronavirus (COVID-19) in line with the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 ('the regulations').

- 3.2 We are committed to maintaining a safe and healthy workplace and are taking measures to protect staff from contracting and spreading COVID-19 in accordance with legal requirements and government guidelines. COVID-19 vaccines have been approved by the Medicines and Healthcare Products Regulatory Agency (MHRA). Our vaccination policy is part of our overall COVID-secure steps to ensure a safe working environment but is not a substitute for other health and safety measures.
- 3.3 This policy is not intended to prevent staff from working in YCB care homes, but rather to comply with regulations and ensure a safe and healthy environment for both employees and residents.
- 3.4 Government and public health guidelines and restrictions, and business and industry best practice regarding COVID-19 and COVID-19 vaccines are changing rapidly as new information becomes available, further research is conducted, and additional vaccines are approved and distributed. We reserve the right to modify this policy at any time at our sole discretion to adapt to changing circumstances and business needs, consistent with our commitment to maintain a safe and healthy workplace. This may include introducing a wider requirement for mandatory vaccination in certain roles where the need arises (for example, certain customer-facing roles).
- 3.5 The information set out in this policy is taken from guidance on the NHS and other government websites that are updated frequently. While we will try to keep this policy up to date, we strongly recommend that all staff familiarise themselves with the relevant NHS and other guidance and check regularly for updates. We will also issue updates to staff, typically by email, if changes to the government guidance affect this policy.

#### 4. RESPONSIBILITIES

- 4.1 **The Barnet Group's and Your Choice (Barnet)'s Boards and Executive Management Team** have overall responsibility for ensuring compliance with statutory and regulatory requirements.
- 4.2 The **Group Director of Care and Support** has overall responsibility for the effective operation of this policy.
- 4.3 The **Head of Care and Support** responsible for regulated services has overall responsibility for the implementation of this policy and for ensuring that all staff are aware of, understand, and follow the policy.
- 4.4 **All Registered Managers of CQC-registered care homes** have responsibility for the day-to-day delivery of this policy and will follow Government guidance in doing so. They are responsible for ensuring that everyone who enters their care home is fully vaccinated or falls into one of the exempted groups. While checks may be undertaken by other members of staff acting under instruction of the Registered Manager, the Registered Manager is ultimately responsible for ensuring compliance with the requirements.
- 4.5 **All staff** are responsible for being aware of and following this policy and any further amendments made, and for acting under the instruction of the Registered Manager for the care home.

## 5. POLICY

### 5.1 Approach to mandatory vaccination

- 5.1.1 The regulations require registered providers or managers of CQC-registered care homes to prevent a person entry unless:
- the person has provided the registered person (or those acting on behalf of the registered person) with satisfactory evidence that:
    - they have been vaccinated with the complete course of an authorised vaccine (the individual can prove they are fully vaccinated); or
    - they, for clinical reasons, should not be vaccinated (the individual is exempt for medical reasons)
  - it is reasonably necessary for the person to provide emergency assistance in the care home;
  - it is reasonably necessary for the person to provide urgent maintenance assistance to the care home;
  - the person is a member of the emergency services in execution of their duties;
  - the person is a friend or relative of the resident visiting the resident (includes unpaid carers or designated essential care givers);
  - the person is visiting a resident who is dying;
  - it is reasonably necessary for the person to provide comfort or support to a resident in relation to a resident's bereavement following the death of a relative or friend; or
  - the person is under the age of 18.
- 5.1.2 The Barnet Group will at all times follow the guidance provided by the government, the NHS, and the CQC. In the event that the national guidance is updated, that guidance will take precedence over the affected exemptions and requirements stated in this policy.
- 5.1.3 Booster doses are not currently included in the regulations; however, The Barnet Group will encourage workers to take up booster vaccines if eligible.

### 5.2 Emergency assistance and emergency workers

- 5.2.1 The provision of emergency assistance may include an incident in the care home itself or in relation to an incident in a neighbouring building, for example if access is needed to respond to a fire. An emergency situation could include, but is not limited to:
- members of the public assisting in the event of flood or fire; or
  - social workers responding to immediate safe-guarding concerns.
- 5.2.2 The Registered Manager is responsible for using their professional judgement to determine whether a situation is an emergency, and will keep a log of all emergency situations, including details of the circumstances, during which people entered the home without showing proof of vaccination or exemption.
- 5.2.3 In addition to providing emergency assistance, emergency services staff attending a care home in the execution of their duties are exempt from the requirement. This includes:
- members of the fire and rescue services attending the care home to execute their duties;
  - members of the police service attending the care home to execute their duties; and
  - members of the health service deployed for emergency response.

### 5.3 Maintenance work

- 5.3.1 If work is being done outside a care home and individuals doing maintenance do not need to enter the care home, they will not need to show proof of vaccination or medical exemption.
- 5.3.2 If work is required inside the care home, the individuals carrying out maintenance will need to show proof of vaccination or medical exemption, unless urgent maintenance work is required in the event of a risk to life or continuity of care including, but not limited to:
- failure or breakdown of the gas, electricity or water supply;
  - dangerous electrical fault;
  - serious damage caused by fire, flood, storm or explosion;
  - burst water service;
  - serious roof leak;
  - gas leak;
  - any fault or damage in the care home that makes the care home unsafe or insecure;
  - a serious fault in a lift or staircase.
- 5.3.3 The Registered Manager is responsible for using their professional judgement to determine whether a situation requires urgent maintenance work and will keep a log of all urgent maintenance work, including a short description of the incident, during which people entered the home without showing proof of vaccination or exemption.

### 5.4 Death and bereavement

- 5.4.1 Individuals who are visiting a resident who is dying (that is in their last days of life) or providing comfort or support to a resident following the death of a relative or friend will not need to show proof of vaccination or medical exemption to enter a care home. This includes those performing spiritual rituals for a resident.
- 5.4.2 Funeral directors and their staff are subject to this policy and will be required to show proof of vaccination or medical exemption to enter a care home.

### 5.5 Postal, courier, or other deliveries or collections

- 5.5.1 The requirement for individuals to show proof of vaccination or medical exemption only applies to those entering the building. In the event that a delivery must be made inside the building, for example if a package is too heavy or large for a staff member to lift, the delivery worker will be required to show proof of vaccination or medical exemption.

### 5.6 Recording vaccination or exemption status

- 5.6.1 Individuals who 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

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

- 5.6.2 Until 24 December 2021, those who have a medical exemption will be required to provide a self-certification form ([Medical exemption – vaccination as a condition of deployment \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101421/medical-exemption-vaccination-as-a-condition-of-deployment.pdf)). From 25 December 2021, individuals who have a medical

exemption may demonstrate their exemption status using the NHS COVID Pass service as outlined at 5.6.1 of this policy.

5.6.3 The Registered Manager will be required to check and keep a record of:

- the vaccination or exemption status of staff members and the date that the status was last checked; and
- the vaccination or exemption status of those entering the care home and the date that the status was last checked.

There is no requirement for Registered Managers to record the clinical reason regarding an exemption.

5.6.4 Reasonable steps will be taken to ensure that individuals entering a care home only need to demonstrate vaccination status on the first occasion they enter or register through the maintenance of vaccination status records that state the date and time the individual proved their status.

5.6.5 Information relating to an individual's vaccination or medical exemption is health information, and therefore special category data. Any such processing, including its secure storage, will take place in accordance with Data Protection Legislation including the Data Protection Act 2018 and the UK-GDPR and in line with The Barnet Group's privacy policy:  
[www.thebarnetgroup.org/privacy](http://www.thebarnetgroup.org/privacy)

## 5.7 Exemptions

5.7.1 Permissible medical exemptions will reflect the Green Book on Immunisation against infectious disease, clinical advice from The Joint Committee of Vaccination and Immunisation (JCVI), and any other government guidance ([Coronavirus \(COVID-19\) vaccination of people working or deployed in care homes: operational guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/coronavirus-covid-19-vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance)).

5.7.2 A risk assessment will be undertaken for those who are exempt from vaccination, to reduce risk of transmission. This might include a change to their duties where such a change is appropriate.

## 5.8 Employment

5.8.1 The Barnet Group will use the 'grace period' to engage and consult with staff and trade unions to help ensure staff comply with the regulations. If any member of staff is unable to provide proof of vaccination or exemption, the regulations may provide a fair reason for dismissal; however, The Barnet Group will take reasonable steps to seek alternative arrangements for employment in a role for which vaccination is not required.

5.8.2 Following 11 November 2021, staff who are not vaccinated or not medically exempt will be prevented from working in a CQC-registered care home.

5.8.3 Any bullying, harassment or victimisation of staff in relation to their vaccination choice will not be tolerated and will be dealt with under the company's policies.

5.8.4 Only new employees who have had a full course of an MHRA-approved COVID-19 vaccine or are medically exempt from the requirement will be eligible to work in a care home. It will only be possible for a newly-appointed member of staff to start working in a care home once they have provided evidence of their vaccination status or a medical exemption.

## 5.9 Vaccine safety and side effects

- 5.9.1 We recognise that some staff may have concerns about the COVID-19 vaccine for a number of reasons. We recommend discussing any worries with peers, their line manager, or a health professional. For information on vaccine safety, see the NHS guidance: [www.nhs.uk/conditions/coronavirus-covid-19/coronavirus-vaccination/safety-and-side-effects](http://www.nhs.uk/conditions/coronavirus-covid-19/coronavirus-vaccination/safety-and-side-effects)

## 6. EQUALITIES

- 6.1 The Barnet Group is committed to promoting equality of opportunity, fairness, and accessibility. We recognise that all customers should be treated equally and fairly regardless of their age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, and we will not directly or indirectly discriminate against any person or group in implementing this policy and its associated procedure.

## 7. MONITORING AND REVIEW

- 7.1 We will monitor the effectiveness and implementation of this policy and will recommend changes to improve service delivery where appropriate.

## 8. COMMUNICATION

- 8.1 This policy is available on the intranet for staff and The Barnet Group's websites for customers and other interested parties.

## 9. CONFIDENTIALITY AND ACCESS TO INFORMATION

- 9.1 If any person wishes to inspect the information about them that is held on file, they may request to do so electronically or by appointment during normal working hours.

## 10. RELEVANT LEGISLATION

- Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021
- Health and Safety at Work Act 1974
- Equality Act 2010
- UK-GDPR (General Data Protection Regulation)
- Data Protection Act 2018

## 10. LINKS WITH OTHER POLICIES AND DOCUMENTS

- Data Protection Policy
- Health and Safety Policy
- Recruitment and Selection Policy
- Anti-Bullying and Harassment Policy
- Grievance Policy and Procedure
- Sickness Management Policy and Procedure

## DOCUMENT CONTROL

Version	Type of Change	Date	Revisions from Previous Issues
0.1	Document creation	02/09/21	