

# COVID-19 care homes requirement to be vaccinated – frequently asked questions (FAQs)

## **Last updated: 11 November 2021**

This document provides an overview of the guidance and support to help around mandatory vaccinations for COVID-19. It is aimed at specific parts of the adult social care sector in England required by law to ensure staff and others are vaccinated.

These FAQs do not intend to duplicate existing guidance or resources but help clarify key points and signpost providers to what can help.

The FAQs will be regularly reviewed and updated as more information emerges to help adult social care providers.

**Important:** This FAQ currently primarily focuses on the mandating of CQC regulated care homes. Given the Government's announcement of plans to mandate COVID-19 vaccination to the wider CQC regulated health and social care workforce from April 2022, this FAQ will be revised further in the coming as more clarity emerges.

## The basics

### Who does the new law apply to?

The [new law](#) applies to all Care Quality Commission (CQC) regulated care homes in England. The law will be extended to the wider CQC regulated health and adult social care workforce from April 2022.

### When does the new law apply from?

This [new law](#) was fast-tracked into legislation, and it became law on 22 July 2021. A grace period of 16-weeks is being granted to CQC regulated care homes in England to implement these changes. The grace period ended on 11 November 2022.

### What key dates do you need to need to be aware of?

- **22 July 2021** – this is the date that the law was approved
- **16 September 2021** – this is the last date a care home worker can receive their first vaccination to be in time to receive their second before the 16-week grace period ends.

- **11 November** – this is when the 16-week grace period ends. All staff working in the care home must have been fully vaccinated at this point (or provide proof of medical exemption).

## Who needs to be vaccinated?

Everybody working in a CQC regulated care home in England regardless of role.

It applies to all staff working in the home regardless of contracted hours, including bank staff, temporary workers, and volunteers.

The law is not only limited to staff. It also applies to those coming into care homes to do other work, for example healthcare workers, tradespeople, hairdressers, and beauticians.

CQC inspectors will also have to follow the new regulations too unless they have a medical exemption.

Please refer to the full list in the [DHSC Operational Guidance](#). To complement the new Operational Guidance, the DHSC delivered a webinar which you can also view [here](#).

## What about medical exemptions?

Medical exemptions are permitted. The [DHSC Operational Guidance](#) includes a list and how staff can obtain an exemption.

## What evidence would an employer need to see to assure themselves of a staff member's medical exemption?

The government guidance provides more detail on what employers need to look for, but exemption evidence includes:

- NHS app – now available
- NHS website – now available
- NHS letter – coming soon

In September 2021, the government announced a temporary self-certificate process that staff can use for an interim period. This was promptly followed by a formal process announced on 01 October 2021.

The [government letter](#) announcing this change indicated that this measure could be used for 12-weeks until after a forthcoming new NHS COVID Pass system is launched. With the latter process launched on 01 October 2021, the 12-week period is until 24 December 2021.

There are two self-certificate available:

- [Medical exemption self-certification form](#)
- [Self-certification form for people vaccinated abroad](#)

## How do you apply for and receive a COVID Pass medical exemption?

The government has updated their [guidance](#) to explain how those wishing to register their vaccination exemption can do so.

The responsibility is for the individual applying for exemption to do this at the earliest opportunity as it must be complete 12-weeks after the process was introduced, so by 24 December 2021 at the latest.

The government anticipates that people will receive confirmation within 2 to 3 weeks of applying.

## If staff have a medical exemption, are they able to perform their usual duties?

Providers should review their duties and risk assess appropriate mitigations including PPE and wider infection, prevention, and control measures.

Receiving an exemption does not mean staff are protected against COVID-19. They should self-isolate if you have any symptoms of COVID-19.

## What is the criteria for medical exemptions?

The criteria are based on advice from JCVI and the Green Book as well as consultation with senior clinicians.

Examples of medical exemptions from COVID-19 vaccination could include individuals:

- with learning disabilities or autistic individuals, or with a combination of impairments which result in the same distress, who find vaccination and testing distressing because of their condition and cannot be achieved through reasonable adjustments such as provision of an accessible environment
- with medical contraindications to the vaccines such as severe allergy to all COVID-19 vaccines or their constituents
- who have had adverse reactions to the first dose (e.g., myocarditis)
- receiving end of life care where vaccination is not in the individual's interests.

Time-limited exemptions will also be available for those with short-term medical conditions (e.g., people receiving hospital care or receiving medication which may interact with the vaccination). A time-limited exemption is also available for pregnant women should they choose to take it.

Exemptions for conditions listed in section 4.4 (special warnings and precautions for use) in the Summary of Product Characteristics for each of the approved COVID-19 vaccines (Pfizer, AstraZeneca and Moderna) may also be considered.

Individuals that have received a COVID-19 vaccination abroad can also self-certify as medically exempt. This is because it may not be clinically appropriate for them to be vaccinated in the UK if they have already received a partial or full course of vaccination overseas.

### **What happens if staff can't have the vaccine for medical reasons?**

There will be a small number of people where the clinical advice is that the COVID-19 vaccination is not suitable for them. Details on this are available in a letter to the sector on the temporary exemptions process available at [gov.uk](https://www.gov.uk).

This guidance reflects the Green Book on Immunisation against infectious disease (COVID-19: the green book, chapter 14a) and clinical advice from The Joint Committee of Vaccination and Immunisation (JCVI).

### **What about care home workers who are pregnant?**

Despite clear medical advice (see below) that the vaccine is safe for women who are pregnant, the government announced in September 2021 that medical exemptions would be permitted for the duration of the pregnancy. Women who are pregnant would need to apply through the usual process.

JCVI has advised that women who are pregnant should be offered vaccination at the same time as non-pregnant women, based on their age and clinical risk group. Clinicians should discuss the risks and benefits of vaccination with the woman.

Time-limited medical exemptions are an option for pregnant women. It is up to a woman to make an informed choice about whether to proceed with vaccination or not.

There have been no specific safety concerns identified with any brand of COVID-19 vaccines in relation to pregnancy.

Data shows that vaccines are effective in protecting people from serious illness from COVID-19. Though uncommon, severe illness due to COVID-19 is more likely in later pregnancy. Pregnant women who do get symptomatic COVID-19 infection are 2 to 3 times more likely to give birth to their baby prematurely.

Women who are planning pregnancy, are in the immediate postpartum, or are breastfeeding can be vaccinated with any vaccine, depending on their age and clinical risk group.

Any pregnant women who have questions or concerns about the vaccine can speak to their GP, midwife or obstetrician to get more information and advice. Even if they have previously declined the vaccine, they can book an appointment to get their jab on the [NHS National Booking Service website](#) or call 119 between 7am and 11pm.

Time-limited exemptions will also be available for those with short-term medical conditions and as an option that some pregnant women may choose to take.

### **What about care home workers who are breastfeeding, or trying to get pregnant?**

The regulations will apply to all staff working in a CQC-regulated care home for people requiring nursing or personal care in England, including those who are breastfeeding or planning to get pregnant, unless they have a medical reason not be vaccinated.

Despite this, in a change to original communications announced by government in September 2021, it is possible for women who are pregnant to apply for medical exemption for the duration of their pregnancy. However, they would be expected to be double vaccinated by the time they return to the care home after maternity leave.

Women who are planning pregnancy, are in the immediate postpartum, or are breastfeeding can be vaccinated with any COVID-19 vaccine, depending on their age and clinical risk group.

All the vaccines are subject to rigorous testing before they can be given to the public. There is no evidence to suggest the vaccines can cause problems with fertility. [The British Fertility Society \(BFS\) and Association of Reproductive and Clinical Scientists \(ARCS\) say](#) there is absolutely no evidence, and no theoretical reason, that any of the vaccines can affect the fertility of women or men.

### **Can staff and others refuse to have the COVID-19 vaccine for other reasons other than medical exemption?**

No. Religious and other personal beliefs will not be accepted as a valid reason to avoid vaccination. After the 16-week timeframe has passed, staff who have not been vaccinated will no longer be able to work at a CQC regulated care home in England.

### **What about care home residents, their family, and friends?**

No, this new law does not apply to residents, their family, and friends. Providers may need to consider appropriate Infection, prevention, and control measures to ensure visits are managed safely.

### **What is the expected overall impact on the CQC regulated care home workforce?**

The government has published their [Impact Analysis](#) and estimate that of the 570,000 staff working in CQC regulated care homes, approximately 7% (40,000) may remain unvaccinated at the end of the 16-week grace period).

The Impact Analysis estimates that only 1% (5,700) of this workforce will be medically exempt from vaccination.

Skills for Care range of recruitment and retention resources and practical examples from services that have successfully introduced vaccination policies will help limit staff turnover.

### **Why does the law only apply to adult social care homes in England?**

The current law only applies to CQC regulated care homes in England. However, a new law is expected to be passed by Parliament mandating all those working in CQC regulated health and adult social care to be vaccinated (unless medically exempt) by April 2022.

The government advised their extensive consultation identified that care homes was a priority area for mandatory vaccination following consultations with employers, staff, people who need care and support and their families. This government [press release](#) explains further.

### **Who is responsible for arranging the vaccinations?**

The NHS continues to lead the vaccination process. Existing staff not vaccinated should be directed to the [NHS website](#) to book their own appointments.

### **How will I know if my staff or other people coming into care homes to do other work have been vaccinated?**

The NHS card issued when the vaccine is administered are not considered robust evidence of COVID-19 vaccination.

Employers are requested to check [NHS COVID Pass](#) for status of vaccination and document with your secure staff records when this was checked. The NHS App, a website equivalent or an NHS letter will be accepted. Please refer to [DHSC Operational Guidance](#) for more detail.

For exemptions, a self-certificate signed and presented will be accepted initially, but now that the NHS COVID Pass is launched for exemptions, those who are required to formally provide this have until 24 December 2021 at the latest to do so.

### **We have concerns about the data protection implications of the new law. What should we do?**

The [DHSC Operational Guidance](#) includes information about the implications of data protection for employers to consider.

### **What practical approaches can we do during the 16-week timeframe to help our staff who still need to be convinced of the benefits of having the vaccine?**

Public Health England has produced a free resource to help adult social care employers promote the benefits of vaccination to your staff.

[Supporting Social Care Workers to get their Vaccine](#) includes a regularly updated range of videos, social media graphics and leaflets for social care providers to use to help encourage and reassure staff about having the COVID-19 vaccine.

These resources can help complement discussions you may be having with staff about their concerns. Information is presented in a range of languages and addressing some of the key concerns.

The resources can help complement discussions you may be having with staff about their concerns or initial resistance to having the vaccine. [ACAS](#) have also produced some helpful guidance to support employers and your staff around these conversations.

### **What other initiatives have proved successful in helping staff or are hesitant about being vaccinated?**

The following are some examples that have helped some care homes address staff concerns:

- Through their healthcare contacts, a care home facilitated access to clinicians for staff to discuss concerns. This included discussions with Midwives about fertility concerns
- With resistance to the vaccine coming from a particular community of care workers, a care home arranged for a GP from the same community to

discuss the benefits of being vaccinated. A similar approach was applied with Faith Leaders too.

- A “being all in this together” approach to scheduling staff and new residents vaccinations together
- The care home paying staff for travel costs to attend vaccination centres

Skills for Care has published a series of [care studies](#) on our website explaining how other adult social care services have addressed this change in law.

### **We have staff members who have only received one dose of the COVID-19 vaccine so far. What should we do?**

The 16-week time period between the new law approved by government and CQC regulated care homes needing to comply will provide ample time for staff to arrange their second dose.

If staff decide against the second dose, employers should give themselves enough time to either redeploy to another role outside of the care home environment or commence proceedings to terminate contract by 11 November 2021.

Some employers have highlighted they may give staff a period of unpaid leave to obtain the 2<sup>nd</sup> vaccine and return to the service when fully vaccinated. However, due to the associated costs, many employers are unable to offer such flexibility.

### **For a new employee, how long will they have to be fully vaccinated after stating with us?**

All staff should be fully vaccinated by the end of the 16-week timeframe. New staff commencing employment after the 16-week timeframe has passed will need to be fully vaccinated before they can commence their first day.

### **We have had staff off on long-term sick and unable to arrange their vaccination during this period. Are they allowed to return without having the COVID-19 vaccination?**

Within the 16-week time period between the new law being approved, this would be permitted but the staff member would need to [book](#) their vaccination promptly.

Depending on when they return, there might not be time to arrange both vaccinations and they would not be able to work after the 16-week time period unless they have received both.

Staff who have not received both vaccinations by the time of wishing to return, will not be able to work in the care home until both doses have been received.

## **How will regulated providers be checked to ensure that staff and others have been vaccinated?**

The Care Quality Commission (CQC) will be responsible for checking that regulated care homes in England are complying with the new legal requirements. These checks are expected to be undertaken as part of the CQC's usual monitoring and inspection of care home processes. The CQC has published a [statement](#) confirming their role in this process.

## **If we use a recruitment agency to find new staff, will they be responsible for checking COVID-19 vaccination status?**

No, it will be your responsibility to ensure that anybody working for your service in a permanent or temporary capacity has been vaccinated.

You should ensure there are robust checks undertaken to ensure this is the case and you should check the evidence the recruitment agency have on this matter.

## **In addition to be fully vaccinated, will care home staff need to continue to receive booster vaccinations?**

This will not be part of the original law or guidance. However, the government has indicated that the law and guidance may be updated at a later point to reflect this once booster vaccinations are more widely available.

## **What are other regulated care homes doing to successfully comply with this new legal requirement?**

Skills for Care has produced short case studies featuring some care providers who have introduced these changes and adopted new policies and procedures.

These blogs and real examples provide insight into how different services have addressed the vaccination of staff. Read more in the Case Study section of our COVID-19 Vaccination page [here](#).

## **Staff are threatening legal action in response to requests for them to be vaccinated. What should I do?**

The fact that this is now law should help protect employers. However, it is important that employers comply, at all times, with employment and equalities law and adhere to good employment practice. This includes in situations where you decide to terminate a staff contract.

The [DHSC Operational Guidance](#) includes further advice if this is necessary. Please note that the guidance does not cover every eventuality and employers may need to refer to your own legal specialists on occasions.

ACAS continue to produce helpful guidance and advice for employers and staff about vaccination and associated employment issues. You can read some of their latest resources via the Skills for Care webpage [here](#).

### **Staff are advising mandatory vaccination goes against their human rights / religious / cultural beliefs. How should I respond?**

This new law makes it a requirement for people working or deployed in care homes to be vaccinated. The personal beliefs about vaccinations are not considered a legitimate reason not to be vaccinated for care home staff.

Employers should continue to have discussions with staff about vaccinations but also plan to either redeploy or terminate contracts if they continue to refuse.

### **We have care homes in Scotland / Wales / Northern Ireland. Does the new law apply to other nations?**

The new law currently applies to CQC regulated care providers in England only. Care homes providers operating in Scotland, Wales and Northern Ireland should check with the lead organisations:

- [Northern Ireland Social Care Council](#)
- [Scottish Social Services Council](#)
- [Social Care Wales](#)

Staff who live in one of the devolved nations but work in England must be fully vaccinated.

### **What about staff working in non-regulated care?**

Non-regulated care organisations and the parts of the workforce either directly employed by the people they support, or self-employed carers are not required by law to be vaccinated.

COVID-19 vaccination is considered good practice by all working in adult social care whether legally required or not. Vaccinations can be booked [here](#).

### **Are we allowed to terminate the contracts of staff who refuse to be vaccinated?**

Yes. The reason for termination of employment will be dismissal, not redundancy, and dismissed employees will not be entitled to a redundancy payment.

### **Are staff entitled to redundancy pay if we need to terminate their contract due to refusal to be vaccinated?**

No. Employers need to provide the necessary notice period and follows fair dismissal procedures when terminating the contract, staff will not be entitled to redundancy pay.

### **Is the mandating of the COVID-19 vaccine the first step in the mandating of other vaccines for the adult social care workforce?**

There is potential for other vaccines to be required to protect people using and working within health and social care environments.

## **Recruitment and retention**

### **We are concerned that mandatory vaccinations will make it more difficult to recruit? What help is available?**

Recruitment and retention continue to be a major challenge for many adult social care employers.

Skills for Care has produced a wide range of resources to help employers to plan their workforce requirements and have safe and effective recruitment processes in place.

We have grouped some of our most popular resources on this [webpage](#) but also refer to our wider [Recruitment and Retention webpages](#) for a wider range of practical tools.

### **We recruit 16–17-year-olds into our care home? Are they exempt from requiring the COVID-19 vaccine?**

Yes, there is no legal requirement for these employees to be vaccinated. The vaccine is available to 16-year-olds and can be chosen by them.

It is important that as these younger workers approach their 18<sup>th</sup> birthday, that they arrange to receive two doses of the vaccines commencing this 12-weeks prior to ensure that they can continue to work in the home.

Skills for Care has also produced wider [guidance](#) on employing 16–17-year-olds in adult social care.

## **Can care home staff resistant to having the vaccine leave to work in other health or social care environments?**

Following a recent Government consultation on the wider health and social care sector, it is possible mandatory vaccinations may be applied to other parts of the sector too.

## **Training, development, and work placements**

### **Is there any online learning to help us raise awareness of vaccinations with staff?**

Yes. The University of Nottingham has produced a free online course that any employer or staff member can undertake to learn more about the COVID-19 vaccines. It is available [here](#).

### **We are a learning provider who enter care homes to deliver training and assess competence. Does the law apply to us?**

Yes. Learning providers and assessors will need to be double vaccinated in order to continue to enter care homes from 11 November 2021 unless medically exempt.

### **Is it possible for students or people undertaking work placements to avoid requiring vaccination?**

No, unless they are aged under 18 years or medical example, double vaccination will be required if entering a care home regardless of purpose or profession.

## **What further support is available?**

Skills for Care has published a range of guidance and advice on our [website](#) to support CQC regulated providers in relation to the mandatory COVID-19 vaccinations.

Skills for Care's Information Team are available 9am to 5pm, Monday to Friday. You can contact them via [information.team@skillsforcare.org.uk](mailto:information.team@skillsforcare.org.uk) or calling 0113 241 1275.

How the care home mandatory vaccinations are being supported at a local level may vary in different parts of the country. Connect with your [Skills for Care locality manager](#) to find out the latest local advice.

Frontline managers of regulated care providers are also encouraged to connect with other managers to learn how they are responding to mandatory vaccinations. You can connect via [local networks](#) or a national [Facebook Group](#).