



# Compulsory Vaccinations in Care Homes:

## What You Need to Know





## Introduction

The Department of Health and Social Care (DHSC) have amended the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 so that, from

**11 November 2021,**

all care home workers and other visiting professionals will need to be fully vaccinated against COVID-19, unless they have an exemption or there is an emergency.

The changes affect those who are registered to provide care under the regulated activity of 'accommodation for persons who require nursing or personal care'.

## Timeline





## Who Does It Apply to?

### Staff

- The vaccination requirement only applies to people who go inside a care setting, and this **does not include any surrounding grounds**.
- Anyone who enters a care home for **a job interview**, must show proof of vaccination unless they are exempt.
- The regulations apply to all **new recruits**; only new recruits who have a full course of the covid-19 vaccine or who are medically exempt are eligible to work in the care home.

### Others

- All **students** and **volunteers** who enter the care residence as part of their studies will need to show proof of vaccination or exemption, unless they are under 18.
- In regard to deliveries, postal, courier and collections, the requirement **only applies to those entering the inside of a care home**.
- The regulations require **prospective residents and their families** visiting care homes to provide evidence of vaccination or medical exemption.

### Keeping Records

There is **no requirement for registered persons to record the clinical reason behind the exemption**.

### Dismissal

If staff are unable to provide proof of vaccination or exemption, then their manager should explore all options available, but staff should note that the regulations may provide a fair reason for dismissal if they are not vaccinated or medically exempt. We recommend seeking employment law guidance if unsure.

### Booster Doses

Booster doses are **not currently included in the regulations**, but managers are strongly advised to encourage workers to take up booster vaccines if eligible, and a provision for booster vaccines may be added to the regulations in the future.



## Registrations

CQC will seek assurance from **new providers**, and from **existing providers** that they will have a robust governance process to:

- Monitor vaccination and COVID-19 status of staff
- Ensure staff maintain an up-to-date vaccination status (by providing guidance and assistance for staff to get vaccinated) and ensure staff maintain up to date best IPC practice
- Monitor vaccination and COVID-19 status of personnel entering the care home
- Where applicable, make reasonable adjustments to ensure people using the service receive safe care and treatment.

For **new registered manager applications** CQC will seek assurance that:

- Applicants are fully vaccinated or exempt
- Applicants are aware of their duties in relation to the new Regulations regarding COVID-19 vaccination.



## Ongoing Monitoring

- The **Provider Information Return (PIR) will be updated** to ask: “How are you assured that those you employ and deploy within your service have had their mandatory vaccinations?”
- They will also build a similar question into their **monitoring approach**.
- Where they have information of concern, through any route, they will follow this up. This may include **seeking assurance** from the provider or carrying out an **on-site inspection**.
- If as a provider, you have concerns relating to staffing levels then you are **required to notify the CQC under Regulation 18 (2) of the Care Quality Commission Registration Regulations 2009**.

## Ongoing Inspecting

- On site, they will look for **evidence to confirm systems and processes are in place to comply with the requirement**.
- Registered persons will **not be required to show a record of the evidence itself** to inspectors but will need to be able to provide reassurance that systems and processes are in place to ensure individuals who enter the premises are fully vaccinated.
- If **managers decide** to keep a record of the evidence they have seen for their own **internal employment data**, they must ensure individuals are provided with privacy information at the stage their data is being collected - **guidance from the Information Commissioner’s Office**.
- Registered persons (or those acting on behalf of the registered person) **must check that anyone wishing to enter the premises has received a full course of vaccination**, unless they are exempt. **CQC inspectors are included within this**.



## Preparing for the CQC

The registered person should keep a record of:

- The **vaccination or exemption status of staff members** and the date that the status was last checked – a vaccination tracker can be created using your own systems.
- The **vaccination or exemption status of those entering the care home** unless exempt and the date that the status was last checked.
- All **infection prevention control measures**, to reduce the risk of transmission.

## Enforcement

- The requirement forms part of the fundamental standards and will be monitored and enforced in appropriate cases by CQC.
- We will continue to use our **existing assessment and enforcement policies** and take a proportionate approach.
- The degree of enforcement taken depends on many factors that the CQC will assess and will be based on the **impact** on quality of care and safety.
- The guidance suggests that at the very least, a **breach of Regulation 12 and 17** with a Requirement Notice only (minimum enforcement level) could be served.
- A requirement notice can prevent a provider from receiving a rating of Good in either Safe or Well-Led.
- A less than 'Good' rating in either Safe or Well-Led can act as a rating limiter; meaning a provider can only get a rating of Good overall if there are no more than one key question rating of Requires Improvement.



## About CQC Compliance

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## Further Reading

Care Quality Commission – Statement on COVID-19 vaccination of people working/deployed in care homes: the role of the Care Quality Commission

<https://www.cqc.org.uk/news/stories/statement-covid-19-vaccination-people-workingdeployed-care-homes-role-care-quality>

Department of Health and Social Care – Coronavirus (COVID-19) vaccination of people working or deployed in care homes: operational guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1010601/coronavirus-covid-19-vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1010601/coronavirus-covid-19-vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance.pdf)

<https://www.gov.uk/government/news/everyone-working-in-care-homes-to-be-fully-vaccinated-under-new-law-to-protect-residents>

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

<https://www.skillsforcare.org.uk/Documents/Recruitment-and-retention/Care-homes-vaccination-FAQ.pdf>