

COVID-19 (Coronavirus)

Staff Questions and Answers – Government vaccination and mandatory legislation **updated 4th October 2021**

1. [What is COVID-19?](#)

COVID 19 is an illness that can affect your lungs and airways. It's caused by a type of Coronavirus.

2. [What are the symptoms of COVID-19?](#)

Please access the NHS Website for the latest advice using the following link:

<https://www.nhs.uk/conditions/coronavirus-covid-19/symptoms/>

Further sources of **trustworthy information** can be found at:

- The UK coronavirus (COVID-19) page <https://www.gov.uk/coronavirus>
- The NHS coronavirus (COVID19) page <https://www.nhs.uk/conditions/coronavirus-covid-19/>
- NHS 111 online <https://111.nhs.uk/covid-19>
- If you are planning to travel abroad check the Foreign and Commonwealth Office travel advice page <https://www.gov.uk/foreign-travel-advice>
- Follow Public Health England or The Department of Health and Social Care on Twitter for regular updates <https://twitter.com/DHSCgovuk>

3. [What does the new legislation regarding vaccinations mean for me?](#)

The new legislation means that from November 11th 2021 **anyone working in a CQC-registered care home in England** for residents requiring nursing or personal care **must have 2 doses of a COVID-19 vaccine, unless they have a medical exemption.**

A 16-week grace period from when the regulations are made to when they come into force to enable staff who haven't been vaccinated to take up the vaccine began on 22nd July 2021.

This means that staff should have received their first vaccination by 16th September 2021 to ensure they are fully vaccinated by the date of 11th November 2021.

4. [Who will it apply to?](#)

It will apply to all workers in the UK employed directly by a CQC-registered care home or care home provider (on a full-time or part-time basis), those employed by an agency and deployed by the care home, and volunteers deployed in the care home. All staff who could be deployed to work in CQC care homes will be required to have the vaccinations.

Those coming into care homes to do other work, for example healthcare workers, tradespeople, support staff, and CQC inspectors will also have to follow the new regulations, unless they have a medical exemption.

Extraordinary days every day

The legislation currently only applies to CQC registered care homes in England for residents requiring nursing or personal care.

5. Could the Government apply this across the health and wider social care sector?

The government is now seeking views on whether or not to extend vaccination requirements to other health and care settings for COVID-19 and also for flu. Recent research has shown people infected with both flu and COVID-19 are more than twice as likely to die as someone with COVID-19 alone and nearly six times more likely than those with neither flu nor COVID-19, so it is right that both are considered within the consultation.

Further information can be found here: [Making vaccination a condition of deployment in the health and wider social care sector - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/making-vaccination-a-condition-of-deployment-in-the-health-and-wider-social-care-sector)

6. Why has the Government confirmed this decision?

The government said its decision was taken following extensive public consultation with staff, providers and residents alike. Mandatory vaccination is designed, according to the government, to ensure care home residents are better protected from the risk of death and serious illness that can arise from contracting Covid-19.

Further consultation will be launched on whether to extend to other health and social care settings and we will update our information sources as further information becomes available.

For further information from Public Health England (PHE) on the COVID-19 vaccination programme, please access this link : <https://www.gov.uk/government/news/vaccines-highly-effective-against-b-1-617-2-variant-after-2-doses>

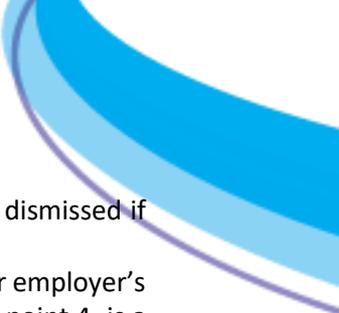
7. Could CareTech decide not to follow this Government directive?

No, in short, the Company is obligated to adhere to 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. These regulations are subject to certain exemptions we will explain in more detail within points 36 and 37.

These regulations were laid in Parliament on 22 June 2021 and were made on 22 July 2021.

8. I believe the requirement of this vaccine is a fundamental change to my contract of employment, can this change be made without my agreement?

It is our express preference to support all employees in making an independent and informed decision to receive the vaccination. As confirmed within point 6, this is a legislative requirement and therefore there are good reasons why affected employees should be vaccinated for Health and Safety reasons.



Employees who fall within the criteria for the mandatory vaccination could however be dismissed if they are not compliant with the vaccination requirements by 11th November 2021.

Every contract of employment contains an implied term that employees must follow their employer's reasonable instruction. Given that the vaccination of the employee group determined in point 4, is a necessary requirement for the Company to fulfil its regulatory obligations, we consider this to be a reasonable request. No individual is forced to accept a change to the contract, or agree to the vaccination, this remains an entirely personal choice. If you do fall within this category however, the Company will no longer be able to employ you past 11th November 2021.

9. Will my wishes *not* to have the vaccination be respected?

Yes, all personal choices made will be treated with dignity, respect and confidentiality. This will however affect your employment if you fall within the mandatory category of employees required to have the vaccination, to continue to provide care.

10. There are suggestions in the public domain that there are better responses to the pandemic than vaccination, has this been considered?

We accept that there are many varying opinions and beliefs held regarding an appropriate approach to the COVID-19 pandemic, and we respect all individual beliefs on the matter. We are however obligated to comply with the Governments decision to mandate the vaccination to the group confirmed in point 4, so that we can continue to provide care to the vulnerable individuals that we support.

11. Does the request for my personal data on vaccination and/or medical exemption breach Data protection?

The Information Commissioner's Office (ICO) has published advice to organisations who are collecting vaccination status data confirming that collection of this data must be necessary and relevant for a specific purpose. It confirms that if there is a good reason for collecting the information, there is a lawful basis to process the data.

Our Data protection Officer has worked closely with our HR team to ensure that we are complying with any legal obligations regarding the collection of this 'special category data' and are fully compliant with ICO guidelines.

The information being collected is for the sole purpose of ensuring that we comply with our legal obligations, and our duty of care to employees and service users, and not for monitoring purposes.

To ensure that the collection of this data is complying with a legitimate process we have completed a Data Protection Impact Assessment (DPIA). DPIAs are usually required for processing of personal data that is likely to result in high risk to the data subject (such as the denial of employment opportunities). The processing of sensitive data or data of a highly personal nature (medical records) of employees (who are treated as vulnerable individuals are data protection laws) are other factors that mandate the completion of a DPIA. We would like to reassure you that the collation of this data is being handled responsibly, carefully, and is justified.

12. Will I have to disclose any disability?

You are not obligated as an employee to disclose any disability however, in not doing so, it means that as your employer we cannot ensure that we are providing you with all of the support that you need, or taking any measures to provide any reasonable adjustments that you may need.

Regarding the COVID-19 mandatory vaccination programme, you will be required to disclose your vaccination status, and/or proof of your vaccination. Failure to do so may affect your employment as set out in point 13.

13. If I refuse the vaccine and am dismissed as a result, will this be fair?

In the event that an employee does not provide any evidence of an acceptable exemption from the vaccine, and falls within the mandatory group of employees but refuses the vaccine, then the Company may need to consider disciplinary proceedings. We will ensure that any emerging Government guidance is considered and that the ACAS Code of Practice on disciplinary and grievance procedures is adhered to, and that we follow a fair process.

14. Can I appeal any such dismissal?

Yes, in accordance with Company policy and the ACAS code, all employees are offered a right to appeal any disciplinary process, including dismissal.

15. Does my concern at this approach and process constitute a public interest disclosure?

A public interest disclosure, or more commonly known as whistle blowing, includes information about the following:

- an alleged criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- a breach of health and safety such that an individual has been, is, or is likely to be endangered;
- damage to the environment; or
- the deliberate concealment, or likely deliberate concealment, of information about one of the above.

Workers are protected from dismissal or detrimental treatment that may arise *because* they have made such a disclosure.

This should not be confused with any fair process followed in relation to the Company's obligation to carry out the Governments direction on ensuring employees comply with the regulatory requirements of vaccination. Any employee can certainly raise any concerns, but in doing so, raising the concern will not prevent the necessity to still comply with the regulation, or any potential dismissal that may arise out of failure to do so.

16. Is there a liability on the Company for any losses I may suffer arising out of any adverse effect to the vaccine?

No, as explained in point 6, the Company is obligated to adhere to [Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021 \('the Regulations'\)](#).

The Company will support by way of signposting employees to legitimate and valid resources available to supporting employees into making their own informed decision regarding the vaccine. The decision to have the vaccine remains with you as an individual. The Company is obligated to ensure we comply with the regulations associated to the vaccine for affected employees.

17. Does the Company require a medical license to provide information on the vaccine?

No, the Health and Safety at Work Act 1974 obliges employers to take reasonable steps to reduce any workplace risks; this duty gives employers justification for encouraging their employees to be vaccinated to protect themselves and everyone else at the workplace.

COVID-19 is also a reportable disease under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (known as RIDDOR) which reinforces that employees should agree to vaccination.

18. There is some suggestion in the public domain that uptake is lower in the female groups, am I being discriminated as a female if I don't want the vaccine?

The Consideration of any equality impact and mitigating measure has been set out fully within the Governments Equality Impact Assessment (EIA) as set out in point 19.

19. What is an Equality Impact Assessment?

An Equality Impact Assessments (EIA) is a tool designed and used to help ensure that policies, practices and decisions are fair, meet the needs of individuals and are not inadvertently discriminatory against any protected group.

The Coronavirus Act 2020: equality impact assessment sets out the equality analysis undertaken for the Coronavirus Bill to enable ministers to fulfil the requirements placed on them by the Public Sector Equality Duty.

This document can be accessed here: <https://www.gov.uk/government/publications/coronavirus-act-2020-equality-impact-assessment/coronavirus-act-2020-the-public-sector-equalities-duty-impact-assessment>

20. What if English is not my first language, am I being placed in a detriment?

No, you will not be placed at a detriment. If, however, you need any support at all in understanding or translating information available regarding the pandemic, or the vaccination, or any aspect of COVID-19, please don't hesitate to reach out to your line Manager and we will ensure that you are supported.

Please ensure, if you are a Manager, that you have discussed this document with your team, and that they can all access and understand the content of this document.

21. Will I be exempt if I am a member of the BAME community, or on the grounds of religious or philosophical beliefs?

CareTech do not wish to identify employees based on ethnicity and stereotype them based on their ethnicity as we believe this in itself this would potentially be discriminatory treatment. This is why we are ensuring carefully that information is distributed equally to all employees.

There is however an NHS anti-disinformation drive and a national equalities board dealing with the disproportionate impact of the virus on ethnic minority communities. The Company will continue to carefully follow all Government directive and instruction. Please refer to point 19 to get additional information on any equality impact and mitigating measures considered.

22. I am a younger employee, does this still apply to me?

Regardless of age, it will apply to all workers employed directly by a CQC-registered care home or care home provider (on a full-time or part-time basis), those employed by an agency and deployed by the care home, and volunteers deployed in the care home. All staff who could be deployed to work in CQC care homes will be required to have the vaccinations.

Those coming into care homes to do other work, for example healthcare workers, tradespeople, support staff, and CQC inspectors will also have to follow the new regulations, unless they have a medical exemption.

23. Will I suffer any detriment if I raise concerns about this approach/the vaccine?

No, employees will not suffer a detriment for raising or having concerns about the mandatory vaccination process. All employees are entitled to raise any concerns they feel they legitimately have.

We would urge you to talk through any such concerns in the first instance with your Line Manager, they can signpost you to additional further support if needed.

24. I have not had my vaccine yet, should I still go to work?

Yes, you must still attend work as you usually do. The legislation is due to come into force on **11th November 2021**. People may not yet have taken up the offer of a vaccine for a number of reasons including availability, being within 28 days of having COVID-19 or for personal reasons.

The government has been working to make the vaccination accessible to people living and working in care homes – the NHS has visited all eligible care homes in England and offered vaccines to all staff, and the government continues to work closely with the care sector, independent healthcare providers and local leaders, to maximise vaccination numbers and save lives.

For those workers who may not have been present when the vaccination team visited the home, access via other vaccination services has been available, including through an online booking platform where people can book a vaccination at the time and place of their choosing.

25. Where can I find out further information on the vaccine?

Further information can be found here [Information for UK recipients on Pfizer/BioNTech COVID-19 vaccine \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/98422/information-for-uk-recipient-on-pfizer-biontech-covid-19-vaccine.pdf)

Specific advice for Health and Social Care staff can be found here: www.gov.uk/health-and-social-care/health-protection-immunisation, and <https://www.gov.uk/government/collections/covid-19-vaccination-programme#consent-forms-and-letters>

26. [Is the vaccine safe?](#)

Before any vaccine can be used, it must pass strict quality, safety and effectiveness tests and be granted approval by the independent Medicines and Healthcare products Regulatory Agency (MHRA). The Covid-19 vaccine is no different and has been approved by the MHRA.

27. [How do I know the COVID-19 vaccine is suitable for people of my faith?](#)

The approved Covid-19 vaccines are suitable for people of all faiths. They don't contain any components of animal origin or foetal cells.

28. [Are there any side effects from the COVID-19 vaccine?](#)

Like all medicines, vaccines can cause side effects. Most of these are mild and short term, lasting no longer than a week, and not everyone gets them. These may include:

- A sore arm where the needle went in
- A headache
- Feeling achy
- Feeling or being sick
- Feeling tired

If required, paracetamol can help relieve some discomfort.

There have been reports of extremely rare cases of blood clots. According to NHS, The Oxford/AstraZeneca vaccine is safe, effective and has already saved thousands of lives. The MHRA, and the Joint Committee on Vaccination and Immunisation (JCVI) have both said that the benefits of the vaccine far outweigh the risks for the vast majority of adults. The JCVI advises as a precaution that it's preferable for people under the age of 40 with no underlying health conditions to be offered an alternative vaccine where possible.

29. [How can people be confident there wont be long term side effects?](#)

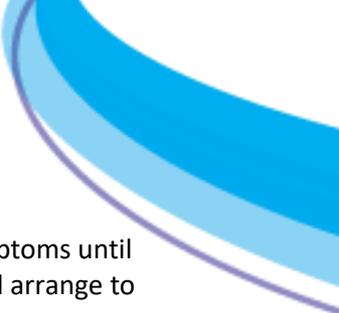
Every single vaccine authorised for use in the UK has been assessed for safety by the MHRA. Millions of people have already received the Covid-19 vaccine. The MHRA operates the Yellow Card scheme on behalf of the Commission on Human Medicines (CHM). The scheme collects and monitors information on suspected safety concerns and relies on voluntary reporting of suspected adverse incidents by healthcare professionals and members of the public (users, patients and healthcare professionals). You can find out more at yellowcard.mhra.gov.uk

30. [Is the COVID-19 vaccine vegetarian?](#)

The Covid-19 vaccines currently approved in the UK do not contain any components of animal origin and so, yes, they are vegetarian.

Full information on the ingredients of the Oxford-Astrazeneca, Pfizer-BioNTech, Moderna and other vaccines can be found on their websites and patient information leaflets. This information can also be used to consider against any objections based on religious beliefs.

31. [Can I catch coronavirus from the COVID-19 vaccine?](#)



No, you can't. But it's possible to have caught the virus and not realise you have the symptoms until after your vaccination. If you have any of the symptoms of coronavirus, stay at home and arrange to have a test. If you need more information on coronavirus symptoms, check [nhs.uk](https://www.nhs.uk)

32. Will I get time off work to attend my vaccination appointment?

Yes, you should speak to your Manager and give them as much notice as possible as you would with any other medical appointment, you should show them details of your appointment and they will work with you to support your appointment in line with the appropriate leave of absence policy. The vaccination is given in two doses.

33. Should I go back to work after my vaccination?

You should be able to go back to work as long as you feel well. If you feel unwell or very tired you should avoid operating machinery or driving.

34. How can I get the vaccine?

Please visit the NHS website for the latest information here : www.nhs.uk/conditions/coronavirus-covid-19/coronavirus-vaccination/coronavirus-vaccine

35. If I have the vaccination can I stop wearing PPE?

No, you must still follow the guidance in your workplace, including wearing the correct personal protection equipment and taking part in any screening programmes.

To continue to protect yourself, our vulnerable children and adults, your family, friends and colleagues you should follow the general advice at work, at home and when you are out and about:

- practice social distancing
- wear a face mask
- wash your hands carefully and frequently
- follow the [current guidance](#)

36. I am pregnant, will this Government legislation apply to me?

Although the Government's current advice is that the vaccine is considered safe for use in pregnancy, we understand that if you are pregnant, you may wish to wait until after the pregnancy before becoming fully vaccinated.

If you are pregnant and you have decided to postpone your vaccination until after your pregnancy, then you must notify your Line Manager. As we approach the cut-off date of 11th November 2021, your Line Manager should undertake a further risk assessment and discuss any possible temporary redeployment options for the duration of your pregnancy.

If you are postponing your vaccination until after your pregnancy, you will be expected to become fully vaccinated in time for your return from maternity leave.

Further information on vaccination in pregnancy can be accessed here: <https://www.gov.uk/government/publications/covid-19-vaccination-women-of-childbearing-age-currently-pregnant-planning-a-pregnancy-or-breastfeeding>

37. I have a medical exemption; will this Government legislation apply to me?

We understand that a certain number of employees may have a specific medical condition that means they are not able to receive the vaccine, and therefore will qualify for a medical exemption. You can apply for official proof that, for medical reasons you are unable to be vaccinated for COVID-19.

Please follow the instructions as set out on the Government website : [COVID-19 medical exemptions: proving you are unable to get vaccinated - GOV.UK \(www.gov.uk\)](#)

You must then provide your Manager with a copy of this document so they can share this with HR and update your records on your status.

Further information on specific health conditions and coronavirus (COVID-19) vaccination can be found here: [Health conditions and coronavirus \(COVID-19\) vaccination - NHS \(www.nhs.uk\)](#)

On a temporary basis, if you have a medical reason why you are unable to have a COVID-19 vaccine, you will be able to self-certify that you meet the medical exemption criteria. More information can be found here, with a link to the self-certification form: [Temporary medical exemptions for COVID-19 vaccination of people working or deployed in care homes - GOV.UK \(www.gov.uk\)](#)

This temporary self-certification process has been introduced for a short period prior to the launch of the new NHS COVID Pass system which will go live imminently.

The legislation currently only applies to CQC registered care homes in England for residents requiring nursing or personal care.