

What health and social care workers should do **between now and 1 April 2022**



Our legal experts Naphens outline the key things you need to do now to ensure staff are aware of the regulations coming into force and what it means for them.

The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) (No.2) 2022 (“**Regulations**”) comes into force on the 1st April 2022, where “vaccination as a condition of deployment” (“**VCOD**”) (i.e. where relevant health and social care workers will be unable to continue to be employed in their roles without being fully vaccinated) will become a mandatory requirement.

Who do the Regulations apply to?

The requirement to be fully vaccinated and comply with the Regulations will apply to:

- Health and social care workers who are deployed for the purpose of providing CQC-regulated activities and have direct face to face contact with people receiving care. This includes general practice and dentistry
- Individuals working in both clinical and non-clinical ancillary roles and regardless of their contracted hours or employment arrangements. As such this applies to honorary, voluntary, locum, bank and agency workers, independent contractors, students, trainees and other temporary workers, in addition to employed staff

If an individual is unsure if they fall within the scope of the Regulations, they should speak with their line manager as soon as possible.

Key Dates

The Regulations have a 12-week grace period which started on the **6th January 2022**, to allow those unvaccinated individuals to become fully vaccinated against COVID-19.

Therefore, individuals must have received their first dose of the COVID-19 vaccination by the **3rd February 2022** in order to have received the second dose of the COVID-19 vaccination by the **31st March 2022**, unless they have a valid exemption.

On the **1st April 2022**, the Regulations will come into force and all individuals who have direct face to face contact with people receiving care must be fully vaccinated against COVID-19.

Exemptions

The following individuals are exempt under the Regulations:

- Individuals that do not have direct face to face contact with people receiving care
- Individuals who are under the age of 18
- Individuals who are participating/have participated in a clinical trial for a COVID-19 vaccine
- Individuals who should not be vaccinated against COVID-19 for clinical/medical reasons; and
- Individuals who are pregnant and have a temporary medical exemption which will be valid during pregnancy and will end 16 weeks after giving birth. During this 16-week period, such individuals are expected to ensure they are fully vaccinated

Please note, that where an individual has been recently infected by COVID-19 and therefore are prevented from having the first dose of the COVID-19 vaccination by the 3rd February 2022, they will be considered temporarily exempt from the date of their positive test result on the basis that there are clinical reasons why they should not be vaccinated. This temporary exemption will last for 42 days from the date of their positive test result.

What should an individual do now?

Proving vaccination status

If an individual has already received the completed dose of the COVID-19 vaccination, then they should provide details of this to the Registered Manager in readiness of the 1st April 2022. Individuals can provide proof of their vaccination status through the following methods:

- The NHS App
- The NHS website – NHS.UK
- The NHS COVID Pass Letter

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

Guidance on how to get an NHS COVID pass can be found at:

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

Concerned about having the COVID-19 vaccination?

If an individual is having concerns about the COVID-19 vaccination, they can speak to their line manager or, if they prefer, they should speak to their GP or another medical professional. However, it is important for that individual to note that, if they are not fully vaccinated by the 1st April 2022 and do not have a valid exemption, they will not be able to continue in their role.

Guidance on the COVID-19 vaccine side effects and safety can be found at:

<https://www.nhs.uk/conditions/coronavirus-covid-19/coronavirus-vaccination/safety-and-side-effects/>

Obtaining a medical exemption

If a member of staff is unable to have the COVID-19 vaccine due to medical reasons they will need to obtain proof of medical exemption. Individuals can apply for a medical exemption by calling 119 and requesting an NHS COVID Pass medical exemption application form.

An individual's application will be clinically reviewed by a doctor, specialist clinician or midwife and the individual will then automatically get their results by post 2 to 3 weeks after applying. Therefore, individuals should ensure they apply in good time ahead of the 1st April 2022.

Government guidance on medical exemptions and providing medical exemptions can be found at:

<https://www.gov.uk/guidance/covid-19-medical-exemptions-proving-you-are-unable-to-get-vaccinated>

If you have any questions or require any guidance in relation to the mandatory COVID-19 requirement then please do not hesitate to contact a member of the Naphens' Employment team.