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|  | 39 Victoria Street  Westminster  London  SW1H 0EU |
| To:    3 November 2021 |

Dear Colleagues,

RE: Vaccination as condition of deployment in social care

Social care staff provide a critical role in supporting the health and wellbeing of some of the most clinically vulnerable to the effects of COVID-19 in society and have maintained their dedication and professionalism through highly challenging conditions.

Thanks to the incredible efforts of people across the sector, over 1.2 million social care workers in England have now been vaccinated. This is a fantastic achievement, and an important step for staff to protect themselves, their loved ones, and the people they care for, from becoming seriously ill or dying from COVID-19.

We appreciate that there has been a number of queries on how vaccination as a condition of deployment will impact the children’s social care sector and whether or not various settings will be in scope of the policy.

Below we have set out the details about the regulations that will come into force in November and the wider consultation on gov.uk which has now closed, and how this may impact your settings.

Vaccination as a condition of deployment in care homes:

To protect individuals susceptible to COVID-19, from 11 November it will be a condition of deployment for anyone working or volunteering in Care Quality Commission (CQC) regulated care homes providing accommodation for persons who require nursing and personal care to be fully vaccinated and for visiting professionals to be fully vaccinated unless exempt or unless there are exceptional circumstances such as an emergency.

The requirements within the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 (‘the Regulations’) apply to providers registered with CQC in respect of the regulated activity of providing accommodation for persons who require nursing or personal care in a care home.

Children’s Homes

There are a number of Ofsted registered children’s homes (including some residential special schools) where CQC regulated healthcare activity is also registered to take place. These establishments are registered with Ofsted as children’s homes under the Care Standards Act 2000 and do not meet the legal definition of a care home. Therefore, they are not caught by the new full vaccination requirement set out in regulations. Accordingly, visitors to Ofsted registered children’s homes will not be required to be fully vaccinated when the regulations come into force.

Residential/boarding provision: social care inspections

Ofsted conducts welfare inspections of the residential/boarding provision at residential special schools and boarding schools. Some of these are also registered as children’s homes and so do not meet the definition of a care home for the purposes of the new regulations (as above). The boarding provision at these schools are not registered with CQC as a care home so are not in scope of the new regulations.

Adult care homes: further education and skills inspections

There are two limited circumstances in which we anticipate that, exceptionally, Ofsted may need to enter an adult care home during a further education and skills inspection. Firstly, during an inspection of a specialist post-16 institution, Ofsted may need to enter a care home attached to the college if learners are accessing education from that home (because they are unwell or undergoing medical treatment). Secondly, during an inspection of an apprenticeship provider, Ofsted may need to enter a care home in order to gather evidence about learners at work at their employer’s or a subcontractor’s premises. Ofsted will in these circumstances take necessary steps to comply with the new conditions of deployment in care homes and will be required to be fully vaccinated unless exempt or unless there are exceptional circumstances such as an emergency.

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If you require clarification on if this policy applies to you then please check your records or contact CQC regarding the nature of your registration with them.

Extension of vaccination as a condition of deployment in health and social care:

The Department of Health and Social Care launched a consultation on 9 September 2021 that ran until 22 October 2021. The consultation proposes that, if introduced, requirements should apply to frontline health and care workers - those with contact with patients and clients though the delivery of treatment and care as part of a CQC regulated activity. Therefore, if your setting carries out a CQC regulated activity, it is likely you will be in scope of this consultation.

These are complex and important issues and the consultation seeks to gather a wide range of perspectives from the public and across the health and care sectors about whether vaccination requirements should be introduced and how they could be implemented.

The government is now analysing the results of this consultation. This page will be updated with the outcome to this public feedback:

<https://www.gov.uk/government/consultations/making-vaccination-a-condition-of-deployment-in-the-health-and-wider-social-care-sector>

Vaccinated people are far less likely to get COVID with symptoms and even more unlikely to get serious COVID-19, to be admitted to hospital, or to die from it and vaccinated people are less likely to pass the virus to others.

Sustaining high levels of staff vaccination now and in the future as people enter the workforce is important to minimise the risk of outbreaks. We continue to encourage those who have not yet started their vaccination journey to begin as soon as possible.

Kind regards,

COVID-19 Vaccines Consultation and Legislation Team

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