



Vaccination as a condition of deployment (VCOD) in care homes, wider social care and healthcare

Q&A following government's announcement of its intention to revoke the regulations

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1. Guidance and links

Announcement of intention to revoke VCOD regulations

- [Oral Statement on vaccination as a condition of deployment](#) (31/01/2022)
- [Press release: consultation on removing vaccination as a condition of deployment for health and social care staff](#) (31/01/2022)
- [Written Ministerial Statement](#) about the 3 February deadline for a first dose of the vaccine in health and wider social care (03/02/2022)

For reference, guidance on VCOD (before announcement to revoke)

- [Vaccination as a condition of deployment in care homes](#)
- [Vaccination as a condition of deployment in wider social care settings](#)
- NHS England guidance on [vaccination as a condition of deployment in healthcare](#).

2. What's changing and why?

What did the Secretary of State for Health and Social Care announce?

- On 31 January 2022, the Secretary of State for Health and Social Care announced the government's intention to revoke the regulations making vaccination a condition of deployment in all health and social care settings. This is subject to consultation and Parliamentary process.
- The Health Secretary stated that whilst vaccination remains our very best line of defence against COVID-19, and all people working in health and social care settings have a professional responsibility to be vaccinated, the view of the government is that it is no longer proportionate to require vaccination as a condition of deployment.



Why is the policy changing?

- VCOD was the right policy, supported by the clinical evidence when it was introduced for care homes, and legislation was passed to extend it to health and wider social care settings. The policy was proportionate at the time, based on the severity of the dominant variant, Delta. The weight of clinical evidence in favour of VCOD outweighed the risks.
- The changes in the pandemic as a result of the Omicron variant, which is intrinsically less severe, and the continued success of the vaccination programme, with many more people protected, means it was important to revisit the balance of risks and opportunities that guided our original decision last year.
- Whilst vaccination remains our very best line of defence against COVID-19, it is no longer proportionate to require vaccination as a condition of deployment.

What has VCOD achieved?

- The VCOD policy was first introduced to best protect care home staff and those that they care for. Since that consultation was announced on 14 April 2021, first dose uptake among care home staff has increased from 80% to 96%. Since regulations were made second dose uptake has increase from 77% to 95%. Over 95% of NHS trust healthcare workers have now received their first dose of a vaccine, compared to 92% when the consultation was launched in September.
- In the NHS, the number of trust healthcare workers vaccinated has increased by over 134,000 from when government consulted on the policy, with vaccination rates among domiciliary care workers having increased from 70% to 83%.
- Analysis carried out by the UK Health Security Agency (UKHSA) suggests that the COVID-19 vaccination programme has prevented over 127,000 deaths, over 260,000 hospitalisations in those aged over 45 and over 24 million infections in England as of 23 September 2021.

Why was this decision not taken sooner?

- Throughout the pandemic the government's decisions have been informed by the latest available scientific and clinical advice.
- The pandemic has evolved with the emergence of Omicron. The decision to revoke VCOD, subject to consultation and the parliamentary process, was taken as soon as possible, with both this evidence, and the government's responsibility to protect the safety of patients and people receiving care, taken into account.

Is it legal to change the policy?

- Government has announced its intentions. Revoking the VCOD regulations requires legislative changes, which in turn requires public consultation.



- A consultation was launched on 09 February 2022. It closes at 11:45pm on 16 February 2022. A link is available here: [Revoking vaccination as a condition of deployment across all health and social care - GOV.UK \(www.gov.uk\)](https://www.gov.uk/revoking-vaccination-as-a-condition-of-deployment-across-all-health-and-social-care)

Will you change your mind again, or bring boosters into scope of VCOD?

- The decision to revoke VCOD, subject to consultation and the parliamentary process, was taken with this new scientific and clinical advice in mind. However, it remains the case that government must strike the right balance to protect patient safety, and will always put the safety of vulnerable people first.
- That is why it remains the case that getting vaccinated, and getting a booster, represents the most effective defence against COVID-19. The focus of the government will be on continuing to increase uptake to help protect those working in the NHS and adult social care, and the people they care for.
- However, should a new, more concerning variant of the virus emerge, we cannot rule out having to reconsider our decision on VCOD.

3. Importance of vaccination

Should I still get vaccinated and encourage my staff to get vaccinated?

- Yes, we are clear that vaccination remains our best line of defence against COVID-19. It is essential that everyone, particularly health and care staff, gets a COVID-19 vaccine and a booster dose as and when they are eligible.
- Vaccines continue to protect against serious illness and hospitalisation.
- Current data says that vaccine effectiveness against death from Omicron in those over 50 currently stands at 59% after two doses, but 95% after a booster dose. There is also a significant reduction in hospitalisation for those fully vaccinated.
- Vaccination also usually means fewer, milder symptoms and less chance of developing 'long COVID' with potentially serious and debilitating long-term effects. This remains the case as we have moved through the predominant variants of COVID-19, including the current Omicron variant.
- Since September there has been a net increase of over 134,000 NHS trust healthcare workers who have been vaccinated. During the same time, we have also seen a net increase of 32,000 people vaccinated in social care including 22,000 people in care homes and 10,000 people working in domiciliary care. We want to build on this success.

Does vaccination remain part of the government's strategy for protecting people in health and social care?



- Getting vaccinated, and getting a booster, remains the best defence against COVID-19. Government will focus on continuing to increase uptake, to help protect those working in the health and social care sector and the people they care for.
- Government's intention to revoke VCOD is based on the latest scientific evidence, considering how to best achieve public health and safety with the minimum number of restrictions or requirements on people's lives. This does not diminish the strong case for vaccination and its protection against severe illness and hospitalisation from COVID-19.
- The original basis for taking the decisions for both VCOD1 (care homes) and VCOD2 (health and wider social care) stands as they were taken on the basis of the best available evidence. The evidence has moved on and there is now a case for a different approach

How will the government continue to protect vulnerable people against COVID-19?

- Throughout the pandemic we have done everything we can to protect people in receipt of health and care services against COVID-19 and acted quickly to increase measures, as evidence of the increased transmissibility of the Omicron variant has emerged.
- This includes an accelerated vaccine booster programme, and, in social care, providing £300m to further boost staffing and provide support to retain the workforce through the winter, on top of the existing £162.5 million announced in October.
- On 29th December we announced that government will provide an extra £60 million to local authorities to help them support the adult social care response to COVID-19 in January. The Omicron Support Fund is on top of the £388.3 million infection control and testing fund announced earlier in the year to prevent infections and provide testing in the care sector.
- Strong infection prevention and control measures including testing and PPE, remain in place for health and care settings.
- We will also consult on strengthening COVID-19 requirements within the Code of Practice on the prevention and control of infections, which applies to all Care Quality Commission (CQC) registered health and social care providers. This will reflect the latest advice on infection prevention control.

What further support will the government continue to provide to support vaccination in the health and adult social care sectors?

- The Infection Control and Testing Fund has been extended, with an extra £388 million of funding from 1 October 2021 to 31 March 2022. This includes £25 million which has specifically been made available to support social care workers access their COVID-19 and flu vaccinations. This can be used to ensure that staff who need to travel to receive vaccinations are paid their usual wages to do so, to support with travel costs, and cover any reasonable associated administrative costs.



- On 29th December we announced an additional £60 million to local authorities to help them support the adult social care response to COVID-19. This is in addition to the £388.3 million Infection Control and Testing Fund.
- The NHS has focused in recent months on a targeted approach to improve uptake in hesitant groups by undertaking campaigns directed towards midwifery staff, BAME groups and students, as well as using the booster campaign as an opportunity to reengage staff.

Should those eligible for the booster vaccine still take it?

- We continue to encourage those eligible for a booster to get it when it is offered to them.
- Booster doses optimise vaccine protection against symptomatic and asymptomatic infection.
- Protection against hospitalisation with Omicron is more durable than protection against infection. After a booster dose, vaccine efficacy against hospitalisation with Omicron is around 85 to 90%.

My family member receives care in a health or care setting. Does this now mean they are at greater risk of catching COVID-19?

- The safety of those receiving care and support continues to be a priority and robust protections remain in place including regular staff testing and PPE requirements.
- It remains a professional responsibility for health and care staff to be vaccinated and we will be strengthening this expectation through the professional regulators and in government guidance.
- Employers also have an obligation to minimise risk to vulnerable patients and service users and the vaccination status of their staff will still need to be considered.
- We will also consult on strengthening COVID-19 requirements within the code of practice on the prevention and control of infections, which applies to all Care Quality Commission (CQC) registered health and social care providers. This will reflect the latest advice on infection prevention control.

4. What should employers do now about VCOD regulations? / do we still need to prepare for VCOD?

Should employers be issuing dismissal letters to staff in health and wider care who are unvaccinated after 3rd February?

- Government is aware that, based on the guidance already issued, those who employ or engage staff working in health and wider social care settings may have begun to prepare for formal meetings with staff if they remain unvaccinated.



- With the announcement of our intention to revoke this legislation, government's clear advice is that those employers **do not** serve notice of termination to employees in connection with the VCOD regulations.
- This is set out in a [Written Ministerial Statement](#) put before Parliament on 3 February 2022.

What is the position of those people who were dismissed from care homes?

- Employers who dismissed unvaccinated care home workers from 11 November 2021 were complying with the law at the time. If any decisions to dismiss unvaccinated workers are challenged, employers may wish to take their own legal advice.

Can care homes rehire or recruit unvaccinated staff?

- The care home requirement has been in force since 11 November 2021. This means that care homes are already legally required to only deploy vaccinated or exempt staff.
- This remains the law until such a time as the regulations are revoked, which is subject to consultation and Parliamentary process.
- Care homes are not prevented from employing unvaccinated staff who are not deployed into the care home premises.
- The Health Secretary stated that vaccination remains our very best line of defence against COVID-19 and all people working in health and social care settings have a professional responsibility to be vaccinated.

Will the government be offering compensation to unvaccinated staff who were dismissed or chose to leave the care home workforce?

- Making vaccination a condition of deployment was the right decision at the time, supported by the best available clinical evidence, and was the right policy in retrospect.
- Employers who took steps to ensure they only deployed vaccinated staff, unless exempt, were complying with the law at the time when they did so.
- The government will therefore not be offering compensation to unvaccinated staff who were dismissed or chose to leave the care home workforce.

Can I continue to impose vaccination requirements as part of my own HR arrangements?

- Vaccinations are our best defence against COVID-19 and government's focus will be on continuing to increase uptake to help protect those working in the adult social care sector and the people they care for.



- We are aware of many organisations who have already introduced their own vaccination requirement as part of a hiring process. This remains a matter for employers, who should obtain their own advice on the matter.

How will CQC enforce the regulations already in place for care homes?

- Until the regulations making vaccination a condition of deployment in care homes are revoked (following consultation and Parliamentary process), the law requires CQC to regulate providers in a proportionate way to ensure that they follow the regulations as they currently stand.
- While the consultation and Parliamentary process is ongoing, CQC will not seek to re-rate any services solely because they are found to be in breach of this requirement.
- CQC have issued a statement on their website [here](#), and will provide further updates in due course.

How will CQC enforce the extended regulations for health and wider social care settings?

- The regulations for health and wider care settings are not due to come into force until 1st April 2022. Until regulations come into force, CQC is unable to undertake enforcement activity.

5. What's the timeline for revoking VCOD?

- Revocation is subject to a public consultation and Parliamentary process.
- A consultation was launched on 09 February 2022. It closes at 11:45pm on 16 February 2022. A link is available here: [Revoking vaccination as a condition of deployment across all health and social care - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/revoking-vaccination-as-a-condition-of-deployment-across-all-health-and-social-care)
- We will continue to keep all those affected updated as this moves forward.

6. Wider vaccination programme

What does this announcement mean for the government's wider vaccination programme?

- The government's wider vaccination and booster programme continues to be successful and is our best defence against COVID-19.
- The COVID-19 vaccination programme is the biggest vaccination programme in NHS history, and the UK has one of the highest COVID-19 vaccine uptake rates in the world.
- The vaccination programme has been successful in weakening the link between infection, hospitalisation and deaths and has already saved thousands of lives.



Can we expect other vaccine requirements to be revoked? i.e. travel restrictions

- Throughout the pandemic the government's response to COVID-19 has been led by the best available clinical and scientific advice, and this continues to be the case.
- In line with the principles of all COVID-19 restrictions and regulations, they will only remain in place while they are necessary to protect the NHS and save lives, and will always be balanced with personal freedoms.
- We are keeping policies on borders, self-isolation and voluntary domestic certification under review in the light of new evidence - there will be wider factors to consider for each circumstance when vaccination status makes a difference to what people are required to do.