



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

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

Updated 03/03/2022

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1. Guidance and links

Revocation of VCOD regulations:

- [Written Ministerial Statement](#) on the COVID-19 vaccination as a condition of deployment revocation consultation response (01/03/2022)
- Consultation response: [Revoking vaccination as a condition of deployment across all health and social care](#) (01/03/2022)
- Press release: [Regulations making COVID-19 vaccination a condition of deployment to be revoked](#) (01/03/2022)
- [The Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) \(No. 3\) Regulations 2022](#): Regulations revoking vaccination as a condition of deployment policy (01/03/2022)

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For reference, guidance on VCOD (these 3 documents were published before the announcement to revoke and will be withdrawn when legislation to revoke VCOD comes into force on 15 March 2022):

- [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. 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.
- On 1 March 2022, the government published the response to the consultation on revoking vaccination as a condition of deployment. The consultation received over 90,000 responses from across the health and social care sector, as well as from members of the public. The vast majority of feedback received supported revocation.
- In light of the scientific evidence, alongside this strong preference for revocation, on 1 March 2022 regulations were laid to revoke the vaccination as a condition of deployment policy.
- The legislation will come into force on 15 March 2022. It will remove the requirements already in place in care homes, as well as those due to come into force in health and wider social care settings on 1 April 2022.

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 of COVID-19, 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 of COVID-19, 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 for whom they care. Since that consultation was announced on 14 April 2021, first dose uptake among care home staff has increased from 80% to 96%. Since the care home VCOD regulations were made, second dose uptake in care home staff has increased from 77% to 95%.



- At the point VCOD was revoked at the beginning of March 2022, over 95% of NHS trust healthcare workers had received their first dose of a vaccine, compared to 92% when the consultation was launched in September.
- As a result of both recruitment and existing workers taking the positive decision to get their vaccines, the number of vaccinated NHS workers has increased. At the point VCOD was revoked at the beginning of March 2022, there were more NHS trust healthcare workers who had received their second dose and therefore would have met the vaccination requirements (1.48 million) than total workers when the consultation was announced (1.43 million).
- Analysis has estimated that boosters alone prevented 105,600 hospitalisations in those aged 25 and over in England between 13 December 2021 and 6 February 2022.

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 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 and support, taken into account.

Is it legal to change the policy?

- Revoking the VCOD regulations required legislative changes, which in turn required public consultation.
- A consultation was launched on 9 February 2022 and the government's response to the consultation was published on 1 March 2022.
- The consultation received over 90,000 responses from across the health and social care sector, as well as from members of the public. The vast majority of the feedback received supported revocation, with 90% of respondents agreeing that the requirement for COVID-19 vaccination as a condition of deployment should be revoked in all health and social care settings.
- The regulations to revoke vaccination as a condition of deployment policy were laid on 1 March 2022 and will come into force on 15 March 2022.

Will revocation of VCOD be permanent?

- The decision to revoke VCOD was taken with the latest 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 people vulnerable to COVID-19 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 for whom they care.

- However, should a new, more concerning variant of the COVID-19 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.
- Latest UKHSA data shows that for those aged 18 and over, after a Pfizer booster (after either primary vaccination course), vaccine effectiveness against hospitalisation started at around 90%, dropping to around 75% after 10 to 14 weeks. After a Moderna booster (after either primary vaccination course), vaccine effectiveness against hospitalisation was 90 to 95% up to 9 weeks after vaccination.
- Vaccination 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.

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 for whom they care.
- Government's decision to revoke VCOD has been 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 of COVID-19 has emerged.
- This winter we accelerated our vaccine booster programme, and most recently, the JCVI has also advised boosters to be offered in Spring 2022, around 6 months after the last vaccine dose to people aged 75 years and over, residents in care homes for older adults, and people aged 12 years and over who are immunosuppressed.
- We have provided over £900 million in specific funding to support the adult social care sector through the winter period. This includes £462.5m for workforce recruitment and retention, £388.3m through the Infection Control and Testing Fund and £60m through the Omicron Support Fund.
- 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 in England. 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.
- Government has also provided an additional £60 million to local authorities to help them support the adult social care response to COVID-19 through the Omicron Support Fund. 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, ethnic minority 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 the Omicron variant of COVID-19 is more durable than protection against infection. After a booster dose, vaccine efficacy against hospitalisation with Omicron is around 85 to 90%.



- Latest analysis estimates the boosters alone prevented 105,600 hospitalisations in those aged 25 and over in England between 13 December 2021 and 6 February 2022.

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.
- The Secretary of State for Health and Social Care has stated that it is a professional responsibility for health and care staff to be vaccinated. This expectation has been now been reflected in statements made professional regulators and will also be underlined in government guidance.
- Employers also have an obligation to minimise risk to patients and those receiving care and support who are vulnerable to COVID-19, 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 in England. This will reflect the latest advice on infection prevention control.

4. What should employers do now regarding the VCOD regulations?

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 previously 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 regulations to revoke the VCOD legislation having been laid on 1 March 2022, 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 health and social care providers rehire or recruit unvaccinated staff?



- The vaccination requirement for care homes has been in force since 11 November 2021. Since that date, care homes have been legally required to only deploy vaccinated or exempt staff.
- This new legislation to revoke the vaccination as a condition of deployment regulations comes into force on 15 March 2022.
- In health and social care settings, the matter of re-hiring staff who have been dismissed or resigned as a result of VCOD regulations is an issue for each individual employer and they may want to seek independent legal advice.
- Vaccination remains our best line of defence against COVID-19. The Secretary of State for Health and Social Care, along with the Chief Medical Officer, the Chief Nursing Officer, the Chief Midwifery Officer among others, have said that all people working in health and social care settings have a professional responsibility to be vaccinated.
- This expectation has been now been reflected in statements made professional regulators and will also be underlined in government guidance.

NHS England guidance set out that trusts may choose to extend an offer to re-engage individuals who have resigned due to the requirement to be fully vaccinated to their former role. Should care homes and wider care employers be doing the same thing?

- Unlike most NHS provision, adult social care is provided by autonomous providers. As such, adult social care providers have the freedom, subject to relevant employment law, to determine the steps they take as employers.
- The matter of re-hiring staff who have been dismissed or resigned as a result of VCOD regulations is an issue for each individual employer and they may want to seek independent legal advice.
- Employers should be mindful that VCOD requirements in relation to care homes remain in force until new legislation to revoke the vaccination as a condition of deployment regulations comes into force on 15 March 2022. Until then, employers will need to continue to follow the requirements, ensuring that those entering a care home meet the vaccination requirements unless exempt.
- Employers should continue to provide encouragement and support to staff for vaccine uptake. Ministers have made it clear that they consider health and social care staff have a professional responsibility to get vaccinated and vaccination remains our best line of defence against Covid-19. This expectation has been now been reflected in statements made professional regulators and will also be underlined in government guidance.

Will the government be offering compensation to unvaccinated staff who were dismissed or chose to leave the health or social care 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 in care homes, 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.
- A [Written Ministerial Statement](#) published on 3 February 2022 set out that it is sensible not to serve notice to termination on those staff in wider health and social care settings who would be unable to comply with VCOD requirements. This is consistent with the Secretary of State's decision to revoke VCOD.

Can providers of social care continue to impose vaccination requirements as part of their 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 for whom they care.
- We are aware of many social care 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.

What should employers do between 15 March 2022, when the VCOD regulations are revoked, and new guidance for the health and social care sectors emerging?

- The Secretary of State for Health and Social Care has been clear that all people working in health and social care settings have a professional responsibility to be vaccinated.
- This message will be underlined in new IPC guidance for the social care sector which will be published before 1 April 2022, and be considered as part of the consultation on the Code of Practice on the prevention and control of infections.
- Ahead of new guidance being published, employers should continue to provide encouragement and support to staff for vaccine uptake, including encouraging all those who are eligible to get their booster.
- There is further information about the IPC principles required to prevent transmission of COVID-19 in [national guidance](#) issued jointly by DHSC, Public Health Wales (PHW), Public Health Agency (PHA) Northern Ireland, NHS National Services Scotland, UKHSA and NHS England. This makes clear that occupational health departments should encourage staff vaccine uptake and lead on the implementation of systems to monitor vaccination against seasonal influenza and COVID-19.

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



- Until new legislation to revoke the vaccination as a condition of deployment regulations comes into force on 15 March 2022, the law requires CQC to regulate providers in a proportionate way to ensure that they follow the regulations as they currently stand.
- Prior to this date, 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?

- Until regulations come into force, CQC is unable to undertake enforcement activity.
- The legislation to revoke vaccination as a condition of deployment will come into force on 15 March 2022 and will remove the vaccination requirements due to come into force in health and wider social care settings on 1 April 2022.

5. 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 continue to keep policies on borders and voluntary domestic certification under review in the light of new evidence, as there will be wider factors to consider for each circumstance when vaccination status makes a difference to what people are required to do.