



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

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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)

2. What's changing and why?

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

- Legislation that revoked vaccination as a condition of deployment (VCOD) policy came into force on 15 March 2022. People working or volunteering in care homes are no longer required to have received a COVID-19 vaccine to enter the premises. Similarly, it will not become a requirement for people to have received a COVID-19 vaccine in order to be



deployed in NHS settings, or to deliver face to face CQC-regulated activities in wider social care settings.

- This follows the Secretary of State for Health and Social Care announcing the government's intention to revoke the VCOD regulations in all health and social care settings on 31 January 2022. He 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 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 VCOD policy and this legislation came into force on 15 March.

Why has the policy changed?

- 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. 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, and as such we took the decision to revoke the requirement.

What has VCOD achieved?

- [NHS Electronic Staff Records](#) data show that in the week the regulations revoking the VCOD requirements were laid (data published 3 March 2022), 95% of NHS staff had received their first dose of a COVID-19 vaccine while 92% had received their second.
- As of 6 March 2022, 95.7% of care home staff had received their first dose of a COVID-19 vaccination, while 95% had received their second. As of the same date, 89.8% of domiciliary care staff had received their first dose of COVID-19 vaccination, while 84.7% had received their second.
- 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.

How was the policy changed?

- 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 came 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. Vaccinations will continue to be available to everyone eligible through the National Booking Service, and health and social care staff have priority access at walk-in centres.
- 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 and receive their boosters?

- 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.
- UKHSA data from March 2022 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.
- 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. UKHSA data from February 2022 shows that after a booster dose, vaccine efficacy against hospitalisation with Omicron is around 75 to 85% after 4-6 months.
- UKHSA analysis from March 2022 estimated that the boosters alone prevented 157,300 hospitalisations in those aged 25 and over in England between 13 December 2021 and 6 March 2022.

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. Vaccinations will continue to be available to everyone eligible through the National Booking Service, and health and social care staff have priority access at walk-in centres.
- 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 have provided over £900 million in specific funding to support the adult social care sector through winter. This



includes £462.5 million for workforce recruitment retention, £388.3m through the Infection Control and Testing Fund and £60m through the Omicron Support Fund.

- In February 2022 the JCVI advised an additional spring booster dose 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 will be consulting 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 (IPC).
- The Department will publish updated IPC guidance for the adult social care sector by 1 April 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.
- The Secretary of State for Health and Social Care has stated that it is a responsibility for health and care staff to be vaccinated. This expectation has been reflected in statements made by professional regulators and will also be underlined in government guidance.
- Employers should also minimise risk to patients and those receiving care and support who are vulnerable to COVID-19. It is essential that health and social care providers encourage and support all their staff to get a COVID-19 vaccine and booster dose when they are eligible.
- 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 IPC.
- The Department will publish updated IPC guidance for the adult social care sector by 1 April 2022.

4. Implications for staff and recruitment

Can health and social care providers rehire or recruit unvaccinated staff?

- The vaccination requirement for care homes was in force between 11 November 2021 and 14 March 2022. During that period, care homes were legally required to only deploy vaccinated or exempt staff.
- 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 responsibility to be vaccinated.
- This expectation has been reflected in statements made by professional regulators and will also be underlined in government guidance.

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 past decisions to dismiss unvaccinated workers are challenged, employers may wish to take their own legal advice.

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 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 responsibility to get vaccinated and vaccination remains our best line of defence against Covid-19. This expectation has been reflected in statements made by 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 was 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?

- 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 until new IPC guidance for the health and social care sectors has been published?

- The Secretary of State for Health and Social Care has been clear that all people working in health and social care settings have a 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.

Will the CQC continue to assess compliance with VCOD as part of their registration, monitoring or inspection of healthcare providers?

- From 15 March 2022 CQC will no longer assess compliance with VCOD at registration nor in monitoring and inspection. Where an assessment of compliance or of a registration application has begun before 15 March 2022 but has not been completed, VCOD will not be taken into account in the final judgement. Where non-compliance with VCOD formed part of enforcement action, this will be reviewed on a case by case basis.
- CQC will not be amending inspection reports because they reflect what they found on inspection, in line with the regulations at the time. They will however make changes to their systems to make sure that a breach of Regulation 12(3) doesn't trigger concerns on their monitoring processes.
- Further information is available on CQC's website ([here](#)).



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.
- Vaccinations will continue to be available to everyone eligible through the National Booking Service, and health and social care staff have priority access at walk-in centres.

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.
- From 4am Friday 18 March 2022, all COVID-19 travel restrictions will be lifted, including the passenger locator form (PLF) for arrivals into UK, as well as all tests for passengers who do not qualify as vaccinated. This step reflects the decisions set out in the Living with COVID plan, and the success of the UK's vaccine and booster rollout.
- We continue to keep voluntary domestic certification under review.