

# Surrey County Council

## Vaccination policy FINAL 18.11.2021

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### 1. Policy introduction

As a result of the Covid pandemic the government is making changes to the regulations for care services. The purpose of this policy is to set out the county council's position on vaccination related to employment or entry to a designated setting.

### 2. Policy scope

This policy covers all Surrey County Council employees and elected members.

This policy applies to any vaccination where it is relevant to work or services provided as well as the environment in which work takes place. This includes where a vaccination requirement is set out in law.

Where vaccination is a condition of entry to a setting, this policy will apply to anyone attending the setting in a professional capacity, whether directly employed by the council or not.



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### 3. Vaccine status

Individual opinions on vaccines can vary greatly and we appreciate that having a vaccine is a personal choice, sometimes dictated by personal circumstances such as health, belief or religion. Where the Government has not made the taking of a vaccine mandatory, it remains a matter of choice for each individual.

### 4. Our stance

As an employer, we have a duty to take all reasonably practicable steps to ensure the health, safety and welfare at work of our workforce.

Vaccines provide a greater level of personal safety against serious illness to individual staff members, colleagues and the people we serve. Because of this, we encourage our employees to take up vaccinations when they are offered to them.

We expect our employees to be treated with dignity and respect by their colleagues in relation to their decision regarding vaccination. We will not accept any bullying or harassment, or other unwanted behaviour, against an employee because of their decision.

### 5. Making an informed decision

It is reasonable to have concerns about vaccinations. We encourage our workforce to make an informed decision about whether to have a vaccination based on legitimate sources of information such as the NHS. It is important to check the source of any information about a vaccine, so you are confident your decision is based on accurate information.

### 6. Time off to be vaccinated

Vaccine appointments are to be treated in the same way as other medical appointments and employees should try to get an appointment outside of their normal working hours, or as close to the start or the end of the working day as possible.

Where there is a limited impact on the employees working day, Managers have the discretion to allow the employee reasonable paid time off to attend the appointment.

Where vaccinations are a condition of employment or recommended for the employee's role, employees should still attempt to secure an appointment outside of their normal working hours, or as close to the start or the end of the working day as possible, but will not be required to make up the time.

Where vaccination is unrelated to the employee's role or work and time is taken off work to attend the appointment, this will be unpaid, or the employee will be required to make up any lost working time.

### 7. Expenses

Where vaccination is a condition of employment, reasonable expenses may be paid by the Manager in accordance with the expenses policy.

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### 8. Recording vaccinations

Where vaccination is a condition of employment, the county council will collect evidence of vaccination and record it. This may be done on a local system or through the central employee system (currently SAP, due to be MySurrey).

Where vaccination is not a condition of employment, but it is related to the role or in the public health interest of the workforce, employees will be invited, but not required, to self-report this information on the central employee system.

Please see the [employment records privacy notice](#) for more information about how employment data is used and stored.

### 9. Where vaccination is a condition of employment

Where vaccination (or medical exemption) is a condition of employment in law, the council cannot legally employ someone who is not fully vaccinated or has not provided proof of medical exemption.

### 10. Where vaccination is a condition of entry to a setting

Where vaccination (or medical exemption) is a condition of entry to a setting in law, the council cannot legally allow someone to enter who is not fully vaccinated or has not provided proof of medical exemption.

### 11. Relevant legislation

At the time of publication, there is one such condition in law that applies.

The passing of the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 requires anyone who enters a care home registered with the Care Quality Commission (CQC) in a professional capacity to have received both Covid-19 vaccinations or to have evidence they are medically exempt.

This applies to all staff employed to work in residential care homes and supported living in Adult services where staff are appointed to a setting and required to work flexibly across the sites in that setting. Someone not entering the building, entering to provide emergency services, as well as visitors and residents, would not need to comply with this condition. This will become law on 11 November 2021.

Specific documentation has been produced for Service Delivery teams in Adult Social Care to support Managers in the application of this legislation.

The Government announced on 9 November that the scope of these regulations will be extended to only allow providers of CQC regulated activities to deploy individuals who have been vaccinated against COVID-19 to roles where they interact with patients and service users. This will become law on 1 April 2022.

### 12. Providing proof of vaccination or medical exemption

Acceptable forms of proof of vaccination or medical exemption will be set out based on each piece of legislation.

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### 12.1 (Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021)

Acceptable evidence of vaccination is through the presentation of the NHS COVID Pass which can be accessed via the NHS App, the NHS website (<https://covid-status.service.nhs.uk/>), or by requesting a hard copy letter via <https://covid-status.service.nhs.uk/> or calling 119.

### 12.2 Permanent process for medical exemption

Some individuals are unable to be vaccinated for medical reasons, permanently or temporarily, and can apply for proof of this by contacting the NHS COVID Pass Service on 119 and asking for an NHS COVID Pass medical exemptions application form.

All exemptions will be confirmed by a doctor, specialist clinician or midwife. If approved, the NHS COVID Pass can then be used to prove your status.

The domestic NHS COVID Pass will look and work the same for people with medical exemptions as it will for people who are fully vaccinated. The pass will not show that you have a medical exemption.

The outcome should be provided to your line manager as soon as it is received to confirm your status.

### 13. Determining the impact of the condition on different roles

Where vaccination (or medical exemption) is a condition of employment or entry to a setting in law, Managers will be required to identify the roles within their area of responsibility to which the legislation applies.

#### 13.1 Essential roles

Essential roles will be those where it is a substantial and material requirement of the role to work in that setting or environment. It is likely that the work will need to be undertaken by a specific role or individual and substitution is not appropriate. This might be for reasons of client continuity, professional knowledge, judgment or decision making.

The activity will be substantial enough that an inability to meet the requirement means that the contractual duties cannot be effectively discharged. In this situation, the ability for the county council to continue an individual's employment in this capacity must be reviewed and where reasonable and necessary, a formal HR process followed.

Managers may consider:

- The type of work
- The volume of work impacted.
- The frequency of related activity.
- If attendance / activity can be effectively completed by different members of the same team.

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- The appropriateness and reasonableness of work being carried out in a different setting where the legislation does not apply.
- The ability and reasonableness of distributing work across team members who can comply with the requirement.

Each directorate should review any vaccination requirements to identify the essential roles in their teams and act as needed. This should include adding a statement into the relevant job profile where vaccination is a condition of employment or deployment for a setting.

#### 13.2 Risk assessments

Where it is a condition of employment, a risk assessment will not be appropriate, and managers should contact myhelpdesk HR for advice on the formal HR process to end employment.

Where the activity relates to a setting and it is possible to organise and distribute work across a team, managers should undertake a team risk assessment to consider the reasonableness of this.

#### 14. Expectation of staff

It is considered a reasonable management expectation that staff who are not able to comply with any relevant legislation will notify their manager of their vaccination status and not try to attend a setting where they know they would be breaking the law.

#### 15. Ending employment

Before starting the formal dismissal process, Managers must ensure that all employees understand the legal condition, the timeframes and the implications of not being vaccinated or providing evidence of medical exemption. This should be done on an individual (1:1) level as well as through team meetings. Any dismissal should comply with the requirements set out in the 'End of employment' policy and will provide the employee with the right of appeal.

#### 16. Reason for dismissal

The fair reason for dismissal will be that the employee could not continue to work in the position which they held without contravention of a duty or restriction imposed by or under an enactment.

##### 15.1 Redeployment

Consideration will be given to whether redeployment can be offered as an alternative to dismissal and this decision will be made by senior management in discussion with HR.

Where redeployment is not appropriate as an alternative to dismissal due to the nature of the restriction created by non-vaccination and the availability and likelihood of suitably alternative roles, employees under notice of dismissal will still be given access to the redeployment pool and provided with priority consideration of

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vacancies for the duration of their notice period. The employee will be supported to seek redeployment by their Manager.

### **17. Agency workers, contractors and other visitors attending the setting in a professional capacity**

Where proof of vaccination/ exemption is a condition of entry to a setting, planned visitors must be notified by the county council employee organising and arranging the visit.

It is the responsibility of the designated Manager for each setting where the legislation applies to ensure any visitors comply and meet the legislative conditions set out.

### **18. Publication of further vaccination specific legislation**

Where legislation is passed that places a condition on the workforce in relation to vaccination, this policy document will be reviewed and updated.

**END**