

	<p><b>Adults and Safeguarding Committee</b>  <b>11<sup>th</sup> January 2021</b></p>
<p><b>Title</b></p>	<p><b>Social Care Staff and Covid 19 Vaccination</b></p>
<p><b>Report of</b></p>	<p>Cllr Rajput - Chairman Adults and Safeguarding Committee</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Urgent</b></p>	<p>No</p>
<p><b>Key</b></p>	<p>No</p>
<p><b>Enclosures</b></p>	<p>None</p>
<p><b>Officer Contact Details</b></p>	<p>Dawn Wakeling, Executive Director of Adults &amp; Health</p>

## Summary

On the 11<sup>th</sup> November 2021, government regulations came into effect which require care staff to be fully vaccinated against Covid 19 in order to work in care homes. These regulations also apply to staff and volunteers who enter care homes as part of their work, such as social workers.

On the 9<sup>th</sup> November 2021, the government announced that from 1<sup>st</sup> April 2022, being fully vaccinated would also become mandatory for staff in health and the wider social care sector. This report provides an update on mandatory Covid 19 vaccinations for social care staff in Barnet, including social care staff employed by the council, care home staff and staff in other social care settings.

## Officer Recommendations

The Committee is asked to note the contents of the report.

## 1. **Purpose of this Report**

1.1 The committee is responsible for all matters relating to adult social care in Barnet. The introduction of mandatory Covid 19 vaccination is a significant change affecting adult social care in the borough and it is timely to report progress to the committee.

## 2. ***Mandatory vaccination in Care homes***

2.1. The regulation requiring all staff working in or entering care homes to be fully vaccinated came into effect on 11<sup>th</sup> November 2021. The regulation defines fully vaccinated as having 2 doses of a recognised Covid-19 vaccine, as opposed to 3 doses including the booster. As well as those directly employed to work in the home, the regulations also apply to health and social care professionals, CQC inspectors, and other workers such as tradespeople, hairdressers and beauticians who enter the home to work. All volunteers who enter the care residence will need to show proof of vaccination or exemption, unless they are under 18. The exceptions to this requirement are set out in paragraphs 2.2 -2.5 below.

2.2. Medical exemptions. These are very limited and include end of life care, severe allergies to all currently available vaccines, an adverse reaction to the first dose (for example, myocarditis, which is inflammation of the heart muscle), some short-term medical conditions and pregnancy until 16 weeks post-partum. Medical exemption will normally be confirmed by the NHS but a temporary self-certification process is also in place until the end of March 2022.

2.3. When someone is entering the care home for emergency assistance for an incident in the care home itself, or in relation to an incident in a neighbouring building (for example if access is required to respond to a fire), they will not need to show proof of vaccination or medical exemption. This exemption also applies to social workers responding to immediate safeguarding concerns.

2.4. In addition to providing emergency assistance, emergency services staff attending the care home in the execution of their duties are exempt from the requirement. This includes:

- members of the fire and rescue services attending the care home to execute their duties
- members of the police service attending the care home to execute their duties
- members of the health service deployed for emergency response.

2.5. Essential Care Givers (usually a family member) and visitors do not have to show proof of vaccination or exemption. Essential Care Givers do, however, need to follow the same infection prevention & control guidance as staff. There is also no legal requirement for residents to be vaccinated.

2.6. It is the responsibility of the CQC registered person to check the vaccination status of care home staff and visiting professionals to whom the regulations apply. If proof is not provided, the registered person must not allow entry to that staff

member/professional. The registered person must keep a record that vaccination status has been checked. Adherence to the regulations will be monitored by CQC in its regular inspections of care homes.

### **3. *Current position in care homes***

- 3.1. There are 80 registered care homes employing 3000 staff in the borough. Care Homes, council and NHS staff in Barnet have worked hard over the course of the year to provide easy access to the vaccine for staff and to support staff who were hesitant about being vaccinated to receive both doses. Barnet Council and health partners have supported care providers with this by running information sessions and arranging one-to-one clinical conversations between hesitant staff and GPs to discuss concerns on an individual basis. Workers have also received a £50 payment in recognition of their time and travel costs to get both doses of the vaccine, funded by the council.
- 3.2. When the regulations came into effect, Care Homes reported that fewer than 50 staff across all care homes had left employment or had temporarily stopped working pending receiving their 2<sup>nd</sup> dose. This amounts to less than 1 member of staff on average across all homes in Barnet and it is understood that in most instances the staff who had temporarily stopped working have now returned to work. This is a significant achievement relative to early August 2021, when the Government published the mandatory vaccination regulations, when Care Homes were reporting that 750 staff were not fully vaccinated.
- 3.3. Fewer than 30 staff across all care homes have declared they are 'medically exempt' from being vaccinated.
- 3.4. All care homes have confirmed to the council's Care Quality Team that they are compliant with the regulations.
- 3.5. In advance of the regulations coming into effect, every Care Home updated their business continuity plan to ensure that service continuity would not be affected. The Council has also supported this by running a borough- wide recruitment campaign for the care sector and funding a £200 recruitment incentive payment for new entrants. Care Homes are not reporting any business continuity concerns related to mandatory vaccines at the time of writing.

### **4. *Monitoring***

- 4.1 The Care Quality team, alongside the sector regulator, CQC, will continue to monitor care homes to ensure compliance with the regulations as a whole, in terms of checking vaccine status of staff and also ensuring wider measures are in place in line with the regulations to check the vaccine status of professional visitors.

### **5. *Council staff who enter care homes***

- 5.1. The vast majority of the council's adult social care workforce were already double-vaccinated and so the November 2021 change had no impact for them. Those colleagues with a core role that involves visiting care homes are now required to be

vaccinated or exempt. All currently employed staff who fall within the scope of the regulations are fully vaccinated.

## 5.2. ***Tracking***

The council clearly needs to be confident in who is sent to care homes and so a formal policy has been adopted that sets out how we monitor and our approach to staff who fall within the scope of the regulations but are not vaccinated and do not have an exemption. In terms of tracking, all staff who could enter a care home have emailed their line manager with a copy of their vaccine status via the Covid pass in the NHS app. HR have collated this data and are updating the HR electronic database. Staff have been given opportunities to discuss their vaccination concerns with experts from the NHS and public health, along with support from management.

## 5.3. ***Recruitment***

We have made full vaccination a mandatory requirement for applicants to the roles of frontline practitioners, operational managers and care quality staff. An additional, mandatory question has been added to systems for permanent and agency recruitment. Successful applicants will be asked to email a copy of their Covid pass to HR as part of the pre-employment checks process.

5.4. Our approach for those that have not had two vaccines and do not have a medical exemption is as follows:

- We will continue to encourage staff to have the vaccine and access opportunities to talk to experts about any concerns they may have.
- For those in operational teams with a mix in their caseloads of people in the community and in care homes, where they may need to enter a care home, we have adjusted our approach to case allocations and will not give them any cases where the adult lives in a care home. If they support an adult to move to a care home we will re-allocate for the review if this is best done in person. This position will be monitored and if it causes too much operational difficulty we may need to adjust our approach.
- We have been, and will continue to be, working with the Trade Union representatives as we implement this.

## 6. **Mandatory vaccination in the wider social care sector**

6.1. Following a public consultation, the government has announced that mandatory vaccination will be introduced from April 2022 for CQC regulated health and social care providers, which includes home care and supported living. Mandatory vaccination will be required for staff working in roles where they have direct, face to face contact with people who use services. This will include care staff and non-clinical workers who have face to face contact, for example receptionists and domestic staff.

- 6.2. The requirements will apply to CQC-regulated activities whether they are publicly or privately funded. They will also apply where a regulated activity is delivered through agency workers, volunteers or trainees, or contracted to another provider.
- 6.3. At the time of writing, detailed guidance on the wider regulations in respect of social care has not yet been published. However, as with care homes, medical exemptions will apply. It has also been confirmed that the regulations will not apply to shared lives carers who provide care as part of a shared lives agreement, even though shared lives schemes are regulated by CQC.
- 6.4. In order to comply with the regulation, unvaccinated staff will need to have had their first dose by 3<sup>rd</sup> February 2022.

## **7. Current position**

- 7.1. There are 49 home care providers active in the borough with 1900 staff. As of early December 2021, 1600 staff are known to have had at least 1 dose of the vaccine, with 300 staff either unvaccinated or where their status is unknown.
- 7.2. There are 18 registered supported living schemes in the borough with 513 staff. As of early December 2021, 427 staff are known to have had at least 1 dose of the vaccine, with 86 staff either unvaccinated or where their status is unknown.
- 7.3. The care quality team, working with NHS colleagues and the Boost team, have put in place a series of measures to support vaccine take up and business continuity in advance of the regulation coming into effect, in the same way as they did with care homes. The measures include:
- continuing to offer payment to staff in recognition of time and travel costs
  - recruitment campaign with retention payment (available to new starters who are fully vaccinated)
  - support from the Boost team to match job seekers with vacancies in the care sector
  - easy access to vaccination – for example, faster access to vaccine clinics, use of the vaccine bus
  - information, advice and guidance
  - access to clinical advice and 1-1 consultations for hesitant staff
  - support with business continuity planning

## **8. Council employed staff**

- 8.1. The council does not provide CQC regulated activities, other than its Shared Lives scheme. Further guidance is expected, which should provide more detail on the extent to which the regulations will apply to directly employed staff, such as social workers and occupational therapists. Subject to the detail of the guidance, officers will put in place appropriate measures to ensure compliance with the regulations.

## **9. Reasons for recommendations**

9.1. The report provides assurance to the committee on compliance with the regulations on vaccine as a condition of deployment in care homes and future plans for regulations.

## **10. Alternative options considered and not recommended**

10.1. None in the context of this report.

## **11. POST DECISION IMPLEMENTATION**

11.1. The care quality team will continue to work with care providers and NHS partners to support compliance with the regulations, as detailed above. Council officers will put in place measures to ensure the council meets any requirements outlined in detailed guidance.

## **12. IMPLICATIONS OF DECISION**

### **12.1. Corporate Priorities and Performance**

12.1.1. On 8<sup>th</sup> February 2021, Policy and Resources Committee approved the Barnet Plan, which identified the four key priorities for the council over the next four years, as set out below. The council's work in supporting vaccine take up and monitoring compliance supports the achievement of the strengths and independence element of the Healthy priority.

- **Clean, safe and well run:** a place where our streets are clean and antisocial behaviour is dealt with, so residents feel safe. Providing good quality, customer friendly services in all that we do.
- **Family Friendly:** creating a Family Friendly Barnet, enabling opportunities for our children and young people to achieve their best.
- **Healthy:** a place with fantastic facilities for all ages, enabling people to live happy and healthy lives.
- **Thriving:** a place fit for the future, where all residents, businesses and visitors benefit from improved sustainable infrastructure & opportunity.

### **13. Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

13.1. The costs of the Care Quality Team's work are contained within existing budgets. Vaccine support to the sector provided by the council has utilised specific grants given to the council to support care providers, such as the infection control fund and the workforce capacity fund.

13.2. So far, we have issued £25,000 in £50 payments to providers for staff who have had both doses of the vaccine.

13.3. We have budgeted £50,000 from the workforce recruitment and retention fund in payments for staff who are newly employed and have both doses of the vaccine.

Within the latest tranche of the infection control grant £160,250 has been allocated to costs associated with the logistical costs of staff getting vaccinated (travel costs / time off work etc.)

#### **14. Social Value**

14.1. None applicable to this report, however the council must take into account the requirements of the Public Services (Social Value) Act 2012 to try to maximise the social and local economic value it derives from its procurement spend.

#### **14.2. Legal and Constitutional References**

14.3. The Council's Constitution (Article 7, Article 7 – Committees, Forums, Working Groups and Partnerships) sets out the responsibilities of all council Committees. The responsibilities of the Adults and Safeguarding Committee can be found at <https://barnet.moderngov.co.uk/documents/s68757/08Article7CommitteesForumsWorkingGroupsandPartnerships.doc.pdf>

Responsibilities include:

- Responsibility for all matters relating to vulnerable adults, adult social care and leisure services.
- Work with partners on the Health and Well Being Board to ensure that social care interventions are effectively and seamlessly joined up with public health and healthcare and promote the Health and Wellbeing Strategy and its associated sub strategies.
- To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.
- To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.
- To receive reports on relevant performance information and risk on the services under the remit of the Committee.

The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 which apply to England only, amend the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 ("the 2014 Regulations") for the purposes of preventing, detecting and controlling the spread of infections, specifically in response to the effects of the coronavirus pandemic. The Regulations requires all care home workers or visiting professionals to be fully vaccinated against COVID-19, unless exempt, before entry to the premises of Care Quality Commission (CQC)regulated providers of nursing and personal care, as set out in the body of this report.

#### **15. Risk Management**

15.1. The work of the care quality team is managed in accordance with the council's risk framework.

#### **16. Equalities and Diversity**

- 16.1. Equality and diversity issues are a mandatory consideration in the decision making of the council.
- 16.2. Decision makers should have due regard to the public sector equality duty in making their decisions. The Equality Act 2010 and the Public-Sector Equality Duty require elected Members to satisfy themselves that equality considerations are integrated into day-to-day business and that all proposals emerging from the business planning process have taken into consideration the impact, if any, on any protected group and what mitigating factors can be put in place. The equalities duties are continuing duties they are not duties to secure a particular outcome. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:
- 16.3. A public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
  - Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
    - The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
  - Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
    - Tackle prejudice, and Promote understanding.
    - Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:
      - Age
      - Disability
      - Gender reassignment
      - Pregnancy and maternity



- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil partnership

16.3. This is set out in the council's Equalities Policy together with our strategic Equalities Objective - as set out in the Corporate Plan - that citizens will be treated equally with understanding and respect; have equal opportunities and receive quality services provided to best value principles.

16.4. Progress against the performance measures we use is published on our website at: <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity>

## **17. Corporate Parenting**

17.1. Adult social care services are provided to people who meet Care Act eligibility criteria and who may have been looked after by the council or are care experienced.

## **18. Environmental impact**

18.1. N/A

## **19. Consultation and Engagement**

19.1. N/A

## **20. Insight**

20.1. N/A

## **21. BACKGROUND PAPERS**

21.1. N/A