

Version 1, **14 January 2022**

Introduction

On 6 January 2022, the [Government made new legislation](#), approved by Parliament, which amended the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 ("the 2014 Regulations"). This extends the scope of mandatory vaccination requirements for staff beyond registered care homes to health and wider social care settings in England.

The regulations provide that the registered person can only deploy or otherwise engage a person for the purposes of the provision of a CQC-regulated activity, in which they have direct, face to face contact with patients and service users, if the person provides evidence that they have been vaccinated with a complete course of a Medicines and Healthcare products Regulatory Agency (MHRA) approved COVID-19 vaccine. This is subject to specific exemptions and conditions.

The vaccination as a condition of deployment (VCOD) requirements include front-line workers, as well as non-clinical workers not directly involved in patient care but who may have face to face contact with patients, including ancillary staff such as porters, cleaners or receptionists.

The VCOD regulations allow a grace period for compliance and the requirement will come into force on **1 April 2022**.

For the purposes of this guidance the VCOD regulations will be referred to as 'the regulations'.

Registered Person

The registered person within this guidance refers to the person (individual, partnership, or organisation) registered with the CQC as being responsible for the delivery and quality of a service providing CQC regulated activity in England.

The purpose of this guidance

This guidance is supplementary to  [phase one guidance](#) which focused on planning and preparing for the regulations to be approved.

NHS England and Improvement (NHSEI) has engaged with the Social Partnership Forum (SPF), NHS Employers, the Department of Health and Social Care (DHSC) and Care Quality Commission (CQC), to develop this guidance to support service providers with implementing and complying with the VCOD


Regulations and conducting formal processes for staff who will be unvaccinated on 1 April 2022.

Who this guidance is aimed at?

This guidance is aimed at NHS Trusts and Foundation Trusts, Integrated Care Systems (ICS), Community Interest Companies (CICs), and all organisations registered with CQC for the purposes of providing health care. The guidance and principles set out can also generally be applied to other organisations providing NHS-commissioned services, such as primary care services and to the independent sector.

The approaches to formal processes detailed in this guidance may vary from organisation to organisation, depending on the facts and circumstances in each case, and as such, it is recommended that organisations seek their own legal advice on such matters.

Key messages in phase one guidance

- The responsibility of the registered person is to only employ or otherwise engage a person for the provision of a CQC regulated activity who has face to face contact with patients or service users, if it is evidenced that they have been vaccinated with a complete course of an authorised vaccine against COVID-19, or that the individual satisfies one of the regulations' specific exemptions and conditions.
- The regulations will protect vulnerable people and individual workers in health and social care settings, and they apply in all such settings including hospitals, GP practices, dentist surgeries, within community services and where care is delivered in a person's home.
- The regulations will apply where a regulated activity is delivered through substantive, seconded or fixed-term staff, bank and agency workers, contractors, volunteers, locums, honorary contract-holders, students or trainees, or any other type of worker involved in the provision of a CQC regulated activity and who has direct, face to face contact with patients or service-users.
- The requirement will not apply to those who:
 - Are under the age of 18
 - Are medically exempt
 - Have participated in a clinical trial for a COVID-19 vaccine
 - Are pregnant and have a temporary exemption which will be valid until they are 16 weeks post birth
 - Are not in scope of the VCOD regulations. Should help be required with determining if a worker is in/out of scope of the regulations, please refer to the  [Workers required to be vaccinated as a condition of deployment flowchart](#) in guidance phase one, appendix 1
- Employers are advised to proactively plan their approach to compliance with the regulations in partnership with staff-side representatives, commencing with the identification and assessment of roles