



This Week in Employment Law

21-06-2021

Government makes vaccine mandatory in care homes

The Department of Health and Social Care has announced that care home staff will need to be fully Covid-19 vaccinated, with both doses, as a condition of deployment. We explore what employers should know below:

- The new legislation in England only means that from October 2021, subject to Parliamentary approval and a subsequent 16-week grace period, care home staff must have two doses of a Covid-19 vaccine unless they have a medical exemption.
- This applies to anyone working in a CQC-registered care home in England for residents requiring nursing or personal care.
- The law will also apply to all workers employed directly by the care home or care home provider, on a full-time or part-time basis, those employed by an agency and deployed by the care home, and volunteers deployed in the care home.
- People coming into care homes to do other work, such as healthcare workers, CQC inspectors, tradespeople, hairdressers, and beauticians will also have to follow the new regulations, unless they have a medical exemption.
- There will also be exceptions for visiting family and friends, under 18s, emergency services, and people undertaking urgent maintenance work.
- Resourcing problems may arise for affected employers if staff choose not to have the vaccine and dismissals may be necessary.
- One important consideration for employers is that, when terminating employment, a full and fair procedure is still followed.
- A change in the law on vaccines in this way does not mean an exemption from normal rules on achieving a fair dismissal.

Return of physical right to work checks delayed

In light of the four-week delay to England's roadmap out of lockdown, it was announced on 18 June 2021 that the return of physical right to work checks will be delayed until 31 August 2021. As a result of the coronavirus pandemic, in 2020, the Government made it possible for businesses to conduct right to work changes virtually without needing to meet with staff directly.

Did you know?

The changing nature of right to work checks due to coronavirus can cause disruptions for employers who must keep up with often last minute changes. Still, this extension gives employers more time to prepare for a return to physical checks.

Structure of the furlough scheme changing from 1 July

The Government's Budget delivered on 3 March 2021 outlined some adjustments to funding levels. From 1 July 2021, the Government's grant will reduce to 70% of furloughed employees' wage costs for their unworked hours at a cap of £2,187.50, meaning employers must contribute 10% up to £312.50. From 1 August 2021 until the scheme ends, the Government's grant will reduce to 60% at a cap of £1,875.

Did you know?

Employers need to consider how they can accommodate the upcoming changes, bearing in mind that delays have been announced to England, Scotland, and Wales' roadmaps. Importantly, redundancies should be a last resort.

ET: sending pregnant staff home not discrimination

An employment tribunal (ET) has held that a pregnant woman was not discriminated against by her employer after she was sent home during the coronavirus pandemic for health and safety reasons. The employer had listened to government guidance at the time, which categorised pregnant women as clinically vulnerable, and carried out risk assessments to determine how safe it was for her to carry on working.

Did you know?

The Equality Act 2010 prohibits discrimination relating to 'pregnancy and maternity'. Unlawful discrimination will occur where the employee is treated unfavourably due to their condition.

This new law will apply in England only but this does not stop employers in Scotland and Wales from still being able to require their staff to have the vaccine if it is deemed as a reasonable instruction. Contact our 24-hour Advisory Service for up-to-date guidance on this and more.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.