

## **New guidance on proving medical exemption from Covid vaccine released**

**The Government has published its guidance on applying for permanent medical exemption from receiving the Covid-19 vaccine. We look at how this will work in practice.**

- The new NHS Covid Pass System launched on 1 October 2021. Care home workers can use this to apply for a permanent medical exemption.
- Temporary self-certification exemptions will expire 12 weeks after the new system was launched on 1 October 2021.
- Medical exemptions will be limited. Examples include people receiving end of life care where vaccination is not in the person's best interests, people with learning disabilities or autistic individuals, or people with a combination of impairments where vaccination cannot be provided through reasonable adjustments, a person with severe allergies to all currently available vaccines or those who have had an adverse reaction to the first dose.
- Short-term exemptions will be available for people with short-term medical conditions and pregnant women. The exemption for pregnant women will expire 16 weeks post-partum, to give employees time to get fully vaccinated after giving birth.
- Pregnant employees can use their MATB1 as evidence, they don't need to apply for an exemption through the NHS Covid Pass.
- All exemptions will be confirmed by the applicant's doctor, specialist clinician or midwife. If approved, the NHS Covid Pass can then be used to prove the person's status. The pass will not show that a person has a medical exemption.

### **Kickstart scheme extended until end of March 2022**

The Chancellor announced at the Conservative Party conference this week that the Kickstart scheme, which was due to end in December 2021, will be extended until the end of March 2022. The scheme allows employers of all sizes to apply for funding to create jobs for 16 to 24 year olds on Universal Credit. It is hoped that extending the scheme will create more opportunities for young people coming out of the pandemic.

#### **Did you know?**

Funding under the scheme covers 100% of the National Minimum Wage (or the National Living Wage depending on the age of the participant) for 25 hours per week for a total of 6 months.

### **Extended gender pay gap deadline expires**

Employers with 250 or more employees are required to report on their gender pay gap by 5 October 2021. However, many employers are yet to submit their reports on the government website. Gender pay gap reports should also be published on the employer's website. The original deadline in April 2021 was moved to October 2021 to allow businesses more time to comply with the requirements due to the pandemic.

#### **Did you know?**

The Equality and Human Rights Commission can take enforcement action against employers who miss the gender pay gap reporting deadline, which can include seeking a court order.

### **EAT finds compulsory retirement age lawful**

The EAT found in two conjoined cases against the University of Oxford that having a pre-set retirement age was a proportionate means of achieving three legitimate aims – to support inter-generational fairness, for succession planning and to promote equality and diversity. The compulsory retirement age prevented delaying the creation of vacancies, so younger candidates could be considered for senior academic roles.

#### **Did you know?**

The case demonstrates that a compulsory retirement age can be lawful and won't amount to age discrimination when the employer can show it is a proportionate means of achieving a legitimate aim.

Care home staff who believe they are medically exempt from receiving the Covid vaccine now have a 12 week window to obtain proof that they are exempt or face dismissal if they cannot be redeployed. 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.