

## Government to consult on removing health and social care vaccine mandate

**The Health Secretary, Sajid Javid, announced yesterday that the government will launch a consultation on removing the legal requirement mandating vaccination as a condition of deployment in health and social care in England.**

- Mr Javid confirmed he no longer believes it proportionate to require health and social care workers to have the Covid vaccine through statute, he went on to say that the legal requirement will be revoked, subject to the responses to the consultation and parliamentary approval.
- Although many employers within the health and social care sector would welcome the legal requirement being removed due to the detrimental impact it is having on employees and resources, this development leaves employers in a quandary as they will need to consider whether they halt formal procedures with unvaccinated staff or proceed as planned due to the fact that the law, for now, remains in place and there is no way to predict the outcome of the government's consultation exercise.
- Employers should be open with staff regarding the uncertainty and keep staff informed of developments.
- The consultation will also look at removing the legal requirement for mandatory vaccination in care homes which came into force on 11 November 2021. This means that care home employers may, in the future, be able to get in touch with unvaccinated employees who left in November last year because they weren't exempt and consider having them back, but for now, the legal requirement still stands and employing anyone in care homes who cannot show evidence of full vaccination or exemption is a breach of the law.

### Work from home guidance relaxed in Scotland

Scotland has, for the first time since the start of the pandemic, deviated away from guidance that employees must work from home where possible. Instead, from Monday 31 January 2022, the Scottish government says while a full return to the office is not expected at this time, employers should phase employees back into the workplace on a hybrid working arrangement.

#### Did you know?

Employers should make plans to phase their employees back into spending some time in the workplace and ensure Covid-secure measures are in place so that this can be done in a safe manner.

### Temporary relaxation of fit note rules ends

The temporary relaxation of fit note rules for non-Covid absences ended on Wednesday 26 January 2022. Employees whose absences start from Thursday 27 January 2022 will not need to produce a fit note for the first 7 days, reverting back to usual rules. Anyone whose absence started between 10 December 2021 and 26 January 2022 does not need to produce a fit note until after 28 days.

#### Did you know?

Employers should ensure they accurately record employees' dates of absence as different evidence may be required for employees who are absent at the same time.

### Tribunal awards over £2million for discrimination

An Employment Tribunal has awarded over £2million in compensation to a female employee who worked for the London branch of the French bank BNP Paribas. The Tribunal upheld her claims of direct sex discrimination, victimisation and equal pay after a witch's hat was left on her desk by male colleagues and she was paid significantly less than a male counterpart.

#### Did you know?

This case is a reminder for employers of the substantial sums that can be awarded by the Employment Tribunal in discrimination claims, where compensation is uncapped.

Many health and social care employers may feel left in limbo by the government's announcement. Unfortunately, there are unlikely to be any quick decisions by the government so employers will need to consider the best approach for them. 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.