



RIDOUTS

AUTUMN WEBINARS

WEBINAR FOR ADULT
SOCIAL CARE PROVIDERS

THE WEBINAR WILL BEGIN AT 10AM

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INTRODUCTION

LAURA PATON – SENIOR ASSOCIATE
SOLICITOR

11 NOVEMBER 2021

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SOCIAL CARE FUNDING REFORM, CQC'S MONITORING APPROACH AND MANDATORY VACCINATIONS

LAURA PATON, GEMMA NICHOLAS
& PAUL RIDOUT

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MANDATORY VACCINES AND CQC'S MONITORING APPROACH

GEMMA NICHOLAS - SOLICITOR

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MANDATORY VACCINATIONS

- Change in legislation
- Logistics
- Operational Guidance
- CQC monitoring

LAW CHANGE CONSULTATION

- Government consultation on change to the law ended in May
- On 22 July the regulations were approved
- Regulations come into force 11 November
- On 9 September further consultation launched on the mandatory vaccinations in the health and wider social care sector

REASON FOR PASSING NEW LAW

- SAGE advised that vaccine rates of 80% in staff and 90% in residents are needed for a minimum level of protection against coronavirus outbreaks
- Only 65% of care homes in England met that threshold and the proportion was only 44% of care homes in London

WHO DOES THE RULE APPLY TO?

- CQC registered care home not just care homes with residents aged 65
- Anyone coming to the care home in a work capacity:
 - Full-time and part-time staff
 - Agency staff
 - Support staff
 - Healthcare workers
 - Volunteers
 - Tradespeople
 - CQC inspectors

THE NEW LEGISLATION

- Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 **AMENDS** Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- **Regulation 12(2)(h) - Safe care and treatment –**

“assessing the risk of, and preventing, detecting and controlling the spread of, infections, including those that are health care associated;”

EXCEPTIONS

- Visiting family and friends
- Under 18s
- Emergency services
- People undertaking urgent maintenance work
- People providing emergency assistance

TEMPORARY EXEMPTIONS

Letter from Director of Adult Social Care Delivery

- Temporary medical exemptions
 - End of life care
 - Learning disabilities or autism
 - Medical contraindications e.g. allergy
 - Adverse reactions to first dose
- Time-limited exemptions
 - Short term medical conditions
 - Pregnancy
- Exemptions – Summary of Product Characteristics
- Self-certification
 - Form for people vaccinated abroad
 - Form for medical exemption VCOD

CLINICALLY REVIEWED MEDICAL EXEMPTION

Letter from Director of Adult Social Care Delivery

In order to apply for a NHS Covid Pass and individual will need to:

- Telephone the NHS Covid Pass service on 119
- An application form will be sent to applicants by post
- The form must be returned to the GP or clinician stated on the form
- The results will be communicate, applicants can then use the NHS Covid Pass
- No right of appeal
- Self-certification ends 24 December 2021

LOGISTICS

- Ensuring existing staff have their vaccinations in time
- Checks on every person crossing the threshold
- Updating company policies and procedures
- Updating contracts with external suppliers
- Adapting recruitment processes
- Keeping records on those coming into the care home
- Evidencing compliance to CQC

OPERATIONAL GUIDANCE

- <https://www.gov.uk/government/publications/vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance/coronavirus-covid-19-vaccination-of-people-working-or-deployed-in-care-homes-operational-guidance>

FAQs

- <https://www.skillsforcare.org.uk/Documents/Recruitment-and-retention/Care-homes-vaccination-FAQ.pdf>
- <https://www.england.nhs.uk/coronavirus/wp-content/uploads/sites/52/2021/08/C1372-faqs-vaccinations-for-nhs-staff-entering-care-homes-v2.pdf>

CQC MONITORING

4 August - [CQC Statement on its role](#)

Registration

- Seek assurance from new providers and new managers
- **Ongoing monitoring**
 - Provider Information Return
 - Capacity Tracker
 - Evidence to confirm systems and processes
- **Enforcement**
 - Proportionate
 - Warning Notices

CQC - REGISTRATION

New Provider Applications

CQC will seek assurance that providers have robust governance process to:

- monitor vaccination and COVID-19 status of staff;
- ensure staff maintain an up to date vaccination status;
- ensure staff maintain up to date best IPC practice;
- monitor vaccination and COVID-19 status of personnel entering services

CQC & MANDATORY VACCINES

New Manager Applications

CQC will seek assurances that:

- applicants are fully vaccinated or exempt;
- applicants are aware of their duties in relation to the new Regulations regarding COVID-19 vaccination

CQC – ONGOING MONITORING AND INSPECTION

- CQC propose to add the following question to the PIR: ‘How are you assured that those you employ and deploy within your service are vaccinated in line with government requirements?’
- Questions are being added to the Capacity Tracker to track the number of staff within services self-certifying as medically exempt, in receipt of NHS Covid Pass medical exemption and self-certifying as being vaccinated abroad
- Also Providers will not need to show inspectors the evidence of vaccination or exemption itself, but rather, evidence that it has been viewed by the service, so evidence of the systems and processes in place to ensure individuals who enter the premises are fully vaccinated or exempt

CQC - ENFORCEMENT

- Any enforcement activity generated as a result of a breach of the amended Regulations will be undertaken on a proportionate basis, based on CQC's assessment of the impact on quality of care and people's safety
- CQC will decide whether/what action to take based on proportionality, treating each case individually and on its' own merits, in line with its enforcement policy

CONCLUSION

- Change in legislation
- Logistics
- Operational Guidance
- CQC monitoring

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ADULT SOCIAL CARE FUNDING REFORM

PAUL RIDOUT – MANAGING DIRECTOR/
SOLICITOR

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WHO REFORMS IMPACT

- These reforms DO NOT AFFECT:
 - Private Pay
 - Third Party Support
 - NHS Care
- The changes apply to local authority funding
- They are client focused – ring-fenced/hypothecation

ALL THE USUAL RULES APPLY

- Local Authority Rates
- Third Party Contribution (Top-Ups)
- Disregards

CAP ON COSTS OF CARE

- ONLY Personal Care
- Funded Nursing Care
- Other Elements
- Single Fee

ASSET LEVEL THRESHOLD

- Nil Contribution = less than £20k
- Contribution = £20k-£100k
- No Contribution = more than £100k
- Distinguish from Care Cap

QUESTIONS



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