

22 October 2021

Health and Care Professions Council response to the Department of Health and Social Care consultation on mandatory vaccination for frontline health and care staff

1. About us

We welcome the opportunity to respond to this consultation.

The Health and Care Professions Council (HCPC) is a UK-wide statutory regulator of healthcare and psychological professions governed by the Health Professions Order 2001. We regulate the members of 15 professions. We maintain a register of professionals, set standards for entry to our register, approve education and training programmes for registration and deal with concerns where a professional may not be fit to practise. Our role is to protect the public.

2. Response to the consultation

We have only addressed questions in the consultation relevant to our remit.

Question 1 – Which of the following best describes your opinion of the requirement: Those under the age of 18, undertaking direct treatment or personal care as part of a CQC regulated activity (in a healthcare or social care setting, including in someone’s home), must have a COVID-19 and flu vaccination?

- A. COVID-19 vaccination in social care (max 500 words)**
- B. COVID-19 vaccination in health care (max 500 words)**
- C. Flu vaccination in social care (max 500 words)**
- D. Flu vaccination in health care (max 500 words)**

Response:

HCPC has strongly encouraged registrants to be vaccinated as one of the best ways to mitigate risk and protect service users from COVID-19. HCPC registrants have been integral in the COVID-19 and flu vaccine rollouts, playing a part in administering the vaccine and encouraging members of the public to take up vaccination.

While we do not currently mandate that our registrants be vaccinated, due to the potential risks of transmission to vulnerable service users when working in healthcare, we would strongly encourage registrants to be vaccinated or to otherwise take steps to reduce risks to themselves, service users and their colleagues.

As set out in the consultation document, as of August 2021 the vaccination uptake of the COVID-19 vaccine is around 91%. In health care (as of August 2021) the percentage of NHS Trust staff who have received at least 1 dose (overall) is around 92% nationally, with 88% of staff having received both doses.

The figures for uptake of the flu vaccine show more variation. Some NHS Trusts reported up to 100% uptake from some staff in the 2020 – 2021 season, with other Trusts reporting figures closer to 53%.

Figures therefore show that the majority of health and social care staff use the vaccinations offered. The introduction of mandatory vaccinations for staff may not increase this rate. Where groups are not receiving either vaccine, we would support targeted efforts providing tailored information on the concerns of these groups where uptake is lower and removing any local barriers to accessing the vaccine.

We recognise that efforts to increase vaccine uptake through proposed mandatory vaccination is part of a larger desire to protect the workforce, service users and standards. We understand the particular concern to ensure vaccination against COVID-19. It would be helpful to have more information about the reasons for the move to mandatory vaccinations against flu.

There is a risk that mandatory vaccination could cause issues related to the quality of care. For example, services could become even more overstretched if unvaccinated staff become unable to work and this could place strain on vaccinated colleagues. We would flag concerns in relation to the percentage of the workforce who remain unvaccinated and how their skills and clinical knowledge would be utilised.

As part of our role as a regulator, we set professional standards expected of our registrants in order to protect the public. Standard 6 of our standards of [conduct, performance and ethics](#) state:

6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

6.2 You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk.

We have set out clear guidance of our expectations of registrants to [manage risk](#) in their interactions with colleagues, carers, and service users.

We have also set out guidance on the HCPC website about [vaccinations](#) more generally, stating that HCPC is supportive of vaccination campaigns and other public health initiatives. However, HCPC does not set vaccination requirements for registrants, which depend on the specific context registrants are working in and the service users they support. Thus, this is normally determined by local policies set by employers. Enforcement of a mandatory vaccine we would see as primarily an

employment issue rather than a regulatory question; it is something we would expect to be overseen and managed by employers.

Question 2 - Do you agree or disagree that exemption from COVID-19 vaccination and flu vaccination should only be based on medical grounds? & Question 3 - On what other basis, if any, should a person be exempt from COVID-19 vaccination requirements? (maximum 500 words) & Question 4 - On what other basis, if any, should a person be exempt from Flu vaccination requirements? (maximum 500 words)

Response:

Whilst HCPC does not mandate that registrants be vaccinated, the potential risks of transmission to vulnerable service users when working in healthcare mean we would strongly encourage registrants to be vaccinated, where a vaccine has been approved and is available, unless there are good reasons why vaccination is not appropriate in a registrant's individual circumstances.

We recognise that registrants may be unable to receive certain vaccines, due to underlying health conditions. If that is the case, we would expect the registrant to put in place other appropriate measures to manage the risk posed to them, colleagues and service users.

If registrants have good reason not to be vaccinated, they need to be confident that measures are in place in their workplace to manage any risk of transmission that their health may pose to service users and need to take appropriate steps themselves to reduce risks and prioritise safety.

Question 5 - Are there particular groups of people, such as those with protected characteristics, who would particularly benefit from COVID-19 vaccination and flu vaccination being a condition of deployment in healthcare and social care? & Question 6 - Which particular groups might be positively impacted and why? (maximum 500 words)

Response:

HCPC recognises that the pandemic has not affected every person equally and has [supported research](#) to help understand why people from certain ethnic minorities are more likely to have severe COVID-19.

We recognise that some vulnerable service users are likely to include those with protected characteristics (for example, disabled people or people who are older) who may experience more serious outcomes from contracting COVID-19. For example, the Office of National Statistics (ONS) found that between 24 January – 20 November 2020 in England the risk of death involving COVID-19 was 3.1 times

greater for disabled men compared to non-disabled men, and 3.5 times greater for disabled women as compared to non-disabled women.¹

Evidence from the ONS also suggests that certain groups may experience greater vaccine hesitancy than others. In the period 23 June – 18 July 2021, the ONS found that Black or Black British adults had the highest rates of vaccine hesitancy (21%) compared with White adults (4%).² Mandatory vaccination could negatively impact such groups, as it could potentially exclude underrepresented groups from the workforce. It could also translate into disproportionate rates of fitness to practice cases in relation to against registrants within such groups.

Mandatory vaccination may also impact on registrants who may they feel they need to reveal their pregnancy status to their employer earlier than they would like to.

¹ [Updated estimates of coronavirus \(COVID-19\) related deaths by disability status, England - Office for National Statistics \(ons.gov.uk\)](#)

² [Coronavirus and vaccine hesitancy, Great Britain - Office for National Statistics \(ons.gov.uk\)](#)