

Potential care home vaccination challenge

Time is rapidly running out for those who will fall within the mandatory vaccination requirements applying to care homes from 11 November 2021 and who remain unvaccinated from Covid-19.

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Given that the first and second Covid-19 vaccination are usually given 8 to 12 weeks apart, time is rapidly running out for those who will fall within the mandatory vaccination requirements applying to care homes from 11 November 2021 and who remain unvaccinated. The Department of Health and Social Care has estimated around 40,000 care home staff will leave or be dismissed as a result of the vaccination policy. The Government's decision may, however, be subject to challenge. At least one union has published a letter before claim sent to the Secretary of State for Health and Social Care indicating a potential action for judicial review.

With the care sector experiencing considerable recruitment challenges, the announcement of mandatory vaccinations has already proven to be a significant challenge for a number of care home providers. Any uncertainty as to the enforceability of the Health and Social Care Act 2008 (Regulated Activities) (Coronavirus) Regulations 2021 (the Regulations) will add to these challenges in the run up to 11 November. Should a judicial review application be made, both employers and employees alike will be hoping for an expedited resolution to allow for clarity as early as possible.

Should you wish to discuss the potential impact of the Regulations on your workforce, please contact [Helen Badger](#), a partner in our employment team.

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