**Resource document on staff vaccine refusal/hesitancy**

Updated 29th January

This document aims to give members a list of sources that they can share with their employees who are hesitant to take the vaccine. It also provides links to articles about legal advice around mandatory vaccination and letting staff go due to refusal. For the latest vaccination data, click [here.](https://coronavirus.data.gov.uk/details/healthcare)

*NHS guidance:* Although the NHS documents below relate to health system and their employees, it is helpful to know their position on staff hesitancy/refusal of the vaccine. Overall, there is not a huge amount of guidance on the subject. Below is a collection of documents which relate to NHS guidance on vaccinations. Interestingly some of the language in hiring new staff could imply that the vaccination is a requirement.

**NHS**[Why vaccination is safe and important](https://www.nhs.uk/conditions/vaccinations/why-vaccination-is-safe-and-important/) This page contains a vaccine video and vaccine Do’s & Don’ts

[Vaccination in Older Adult Care Homes, next steps](https://www.england.nhs.uk/wp-content/uploads/2021/01/c1082-covid-19-vaccination-older-adult-care-homes-thank-you-next-steps-31-january.pdf)
‘Continue to do everything you can to work with care home managers to encourage staff members to have the COVID-19 vaccination.
-Where staff have declined to receive the vaccination at the care home setting, they should be reminded that they can still access the vaccination via their PCN-led local vaccination site, or another vaccination centre convenient to them.
-In addition, you have told us that some staff are more likely to take the vaccination on a second or third visit to the care home, so please continue to pursue this option for them. Needless to say, reducing infection rates in staff will boost protection for residents.’

**NHS Employers site:**Link to [#jabathon blog](https://www.nhsemployers.org/blog/2018/10/danny-blog-why-im-getting-my-flu-jab) has now been removed from the NHS employers site. However, the 2018 post discussed ways to encourage health workers to get the flu jab.

[Advice on the flu jab & why it matters (2018)](https://www.nhsemployers.org/retention-and-staff-experience/health-and-wellbeing/taking-a-targeted-approach/flu-fighter/why-it-matters) Useful page with general information on the flu vaccine.

[2020 flu campaign launch](https://www.nhsemployers.org/news/2020/09/national-healthcare-worker-flu-campaign-launches) Public Health England has launched the national flu campaign for health and social care workers.

[NHS Employer's job description](file:///C%3A%5CUsers%5Clouis%5CDocuments%5CWork%5CCare%20England%5CVaccine%5CNHS%20Employer%27s%20job%20description) (12/2020) - The NHS Staff Council Job Evaluation Group (JEG) has published new advice for managers and local job evaluation leads for where there are job descriptions which have been published by other organisations.
[Advice for NHS employers document](https://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/Job-evaluation/JEG-advice-for-using-template-JDs.pdf?la=en&hash=20A1CEB5175C5E316B92A79D9F99EC62C48F87A0) – ‘Using job descriptions written to support national programme delivery (for example Covid vaccination).’

[NHS Work health assessment Oct 2020](https://www.nhsemployers.org/-/media/Employers/Publications/employment-check-standards/Work-health-assessments.pdf?la=en&hash=32AF65BC6973CA194A03B7FBA47FBDC98FBA25EB)– ‘A work health assessment refers to a variety of processes undertaken by employers to health screen staff to assess whether they are capable and fit to undertake a particular role. Its primary purpose is to help prevent work-related illnesses, injuries and the spread of disease or infection.’

The document also refers to vaccines in the ‘minimum requirement’ section.

[FAQs: Work health assessments (07/2018](https://www.nhsemployers.org/your-workforce/recruit/employment-checks/faqs/work-health-assessments))‘Q. Is there a list of what immunisations might be required for different positions

It is difficult to give a set schedule of required vaccinations as this will differ between healthcare professions and between NHS organisations. We would therefore strongly recommend that employers work with their occupational health (OH) departments to determine which immunisations might be appropriate for each role, based on what would be considered proportionate to risk, both in the relation to the health and wellbeing of the individual themselves and from any potential patient safety aspect.’

**NHS The Leeds teaching hospital**:
[Staff COVID-19 vaccination](https://www.leedsth.nhs.uk/covid19/covid19vaccine/)
All organisations are responsible for making the vaccine available to their own staff so we are making arrangements for this to happen at LTHT. We strongly encourage all staff to take up the offer of a vaccine to help to protect both you and our patients and to help the NHS to manage the unprecedented challenge it is facing due to COVID-19. Details of how we will be delivering this for staff will be confirmed as soon as we have an approved vaccine.’

**NHS Enfield**:
[Vaccine hesitancy](https://www.enfieldccg.nhs.uk/vaccine-hesitancy-training.htm)
The reasons why people choose not to vaccinate are complex; a vaccines advisory group to WHO identified complacency, inconvenience in accessing vaccines, and lack of confidence are key reasons underlying hesitancy. Health workers, especially those in communities, remain the most trusted advisor and influencer of vaccination decisions, and they must be supported to provide trusted, credible information on vaccines.

**DHSC**DHSC Stuart Miller advice (Care England COVID 19 Vaccination Q&A document) - Is there any direction on what action (if any) should be taken if a care staff member refuses to have the vaccine?

‘Vaccines are the most effective way to prevent infectious diseases. They save millions of lives worldwide. By having the COVID vaccine we expect that health and care staff will be less likely to pass infection to their friends and family and to the vulnerable people that they care for. However, the Covid-19 vaccine will not be compulsory. The UK operates a system of informed consent for vaccinations. With or without a vaccine, we all have a vital role to play in protecting our own health and likewise the health of those around us. So, you will still need to follow the guidance in your workplace, including wearing the correct personal protection equipment and taking part in any screening programmes. To continue to protect yourself, your residents, your family, friends and colleagues you should follow the general advice at work, at home and when you are out and about:

• practise social distancing

• wear a face mask

• wash your hands carefully and frequently

• follow the current guidance

www.gov.uk/coronavirus’

[Vaccine hesitancy: guidance and interventions](https://assets.publishing.service.gov.uk/media/5db80f9fe5274a4a9fd6e519/672_Vaccine_Hesitancy.pdf) - University of Leeds Nuffield Centre for International Health and Development
Research shows that vaccine hesitancy (i.e. ‘the delay in acceptance or refusal of vaccines despite the availability of vaccination services’ (WHO SAGE, 2014a) is rising, resulting in alarming figures on disease outbreaks reported globally. Despite availability of vaccines, the number of countries reporting hesitancy has steadily increased since 2014 (Lane et al., 2018). Therefore, there is a need to understand what governments and partners can do to tackle this problem.

[SHARE Checklist](https://sharechecklist.gov.uk/)
The UK Government is promoting the SHARE checklist, to help educate the public about misinformation:
Source
Headline
Analyse
Retouched
Error

[Go Viral](https://www.goviralgame.com/en?utm_source=EO&utm_medium=SocialMedia&utm_campaign=goviral&utm_content=Eng)
A five-minute game promoted by the UK Government to help educate the public on misinformation.

[COVID-19: the green book, chapter 14a](https://www.gov.uk/government/publications/covid-19-the-green-book-chapter-14a)
Coronavirus (COVID-19) vaccination information for public health professionals. This chapter includes information on:

* the coronavirus (COVID-19) vaccines
* the dosage and schedule for the UK
* recommendations for the use of the vaccine

**Public Health England**[COVID-19 Vaccine resource pack](https://coronavirusresources.phe.gov.uk/covid-19-vaccine/resources/)

**The Association of Directors of Public Health**
[Explainer: COVID-19 Vaccination](http://www.careengland.org.uk/covid-19/vaccine) -January 2021
The purpose of this briefing is to set the context for the COVID-19 vaccination roll out, explore the key challenges and obstacles to large scale roll out as well as the critical role and contributions DsPH and local authorities can make.

*Several DsPH’s have been circulating FAQs. Key questions around vaccine hesitancy include:*

I’m worried that the COVID-19 vaccines aren’t safe.The vaccines approved for use in the UK have met strict standards of safety, quality and effectiveness set out by the independent Medicines and Healthcare products Regulatory Agency (MHRA). Any coronavirus vaccine must go through all the clinical trials and safety checks all other licensed medicines go through. The vaccine has been shown to be effective and no safety concerns were seen in studies of more than 20,000 people. No long-term complications have been reported.

I am a vegetarian, can I have the COVID-19 vaccine?The MHRA has confirmed that the COVID-19 vaccines do not contain any components of animal origin, including pork, gelatine and eggs.

I’m Muslim, can I have the vaccine?The British Islamic Medical Association recommend that the COVID-19 vaccines that are currently available in the UK for eligible individuals in Muslim communities. Further information from the British Islamic Medical Association can be found [here](https://britishima.org/operation-vaccination/hub/statements/#VAX).

Will the COVID-19 vaccine alter my DNA?No, this is not possible. The messenger ribonucleic acid (mRNA) from a COVID-19 vaccine can be described as instructions for how to make a protein, and cannot alter or modify a person’s genetic makeup (DNA). mRNA never enter the nucleus of the cell where our DNA is kept, which means that it does not affect or interact with our DNA.

Does the vaccine cause infertility?There is no scientific evidence to suggest that the vaccine could cause infertility in women. In addition, infertility is not known to occur as a result of natural COVID-19 disease, further demonstrating that immune responses to the virus, whether induced by infection or a vaccine, are not a cause of infertility.

The Pfizer-BioNTech COVID-19 vaccine is a mRNA vaccine. It contains a small piece of the SARS-CoV-2 virus’s genetic material that instructs cells in the body to make the virus’s distinctive “spike” protein. After a person is vaccinated, their body produces copies of the spike protein, which does not cause disease, and triggers the immune system to learn to react defensively, producing an immune response against SARS-CoV-2. Contrary to false reports on social media, this protein is not the same as any involved in formation of the placenta.

What if I find out I’m pregnant after having the vaccine?If you find out that you are pregnant after you have had the vaccine, don’t worry. The vaccines do not contain organisms that multiply in the body, so they cannot cause COVID-19 infection in your unborn baby. As they have done for other vaccines, PHE is establishing a monitoring system to follow up women who are vaccinated in pregnancy to help reassure women as time goes on.

I’m trying to conceive, should I still have the vaccine?Here are the key points you should consider:

* if you are pregnant you should not be vaccinated unless you are at high risk – you can be vaccinated after your pregnancy is over
* if you have had the first dose and then become pregnant you should delay the second dose until after the pregnancy is over (unless you are at high risk)
* If you are pregnant but think you are at high risk, you should discuss having or completing vaccination with your doctor or nurse.

Although the vaccine has not been tested in pregnancy, you may decide that the known risks from COVID-19 are so clear that you wish to go ahead with vaccination. There is no advice to avoid pregnancy after COVID-19 vaccination. If you are breastfeeding, you may decide to wait until you have finished breastfeeding and then have the vaccination.

Should I still have the vaccine if I’m breastfeeding?
There are no data on the safety of COVID-19 vaccines in breastfeeding or on the breastfed infant. Despite this, COVID-19 vaccines are not thought to be a risk to the breastfeeding infant, and the benefits of breast-feeding are well known. Because of this, the JCVI has recommended that the vaccine can be received whilst breastfeeding. This is in line with recommendations in the USA and from the World Health Organisation.

**Unison**
[UNISON COVID-19 Immunisation of NHS staff](https://www.unison.org.uk/at-work/health-care/big-issues/covid-19-advice-health-workers/covid-19-immunisation-nhs-staff/)
*Although not mentioned in the title, the page does refer to social care workers as well.*‘We have secured commitments that there will be no negative implications for staff who refuse the vaccine. We are also working to confirm that immunisation will not influence decisions made about terms and conditions such as re-deployment, shielding, or pay progression.’

‘We would encourage all our members to be cautious in relation to the information you share regarding vaccinations. Sharing your personal views can be acceptable but as NHS employees you have a responsibility not to share unverified information which potentially misinforms the public. Registrants have a particular responsibility on this within their professional codes.’

**University of Bristol**
[Global experts urge everyone to talk about COVID-19 vaccines responsibly](https://www.bristol.ac.uk/news/2021/january/covid-19-vaccine-communication-handbook.html)
‘A team of renowned scientific experts has joined forces from across the world to help fight the spread of misinformation about the COVID-19 vaccines, which hold the key to beating the deadly pandemic and releasing countries from debilitating lockdown restrictions.’

**LGA**[Increasing uptake for vaccinations: maximising the role of councils](https://www.local.gov.uk/increasing-uptake-vaccinations-maximising-role-councils)
‘This may be through helping immunisation teams work with frontline services such as health visitors or children’s centres, or supporting pop-up vaccination clinics in under-vaccinated areas. Through our social media and wider health promotion work we can make residents aware of the importance of vaccination and counter any misinformation that is out there.

This report contains examples of all these and more. In Slough the council has partnered with the fire service and immunisation team to run mobile clinics, while in Tower Hamlets an online video has been produced to reach out to the local Somali community.’

**Behavioural Science and Public Health Network**
[Resources](https://www.bsphn.org.uk/675/COVID-19-Resources-for-Professionals)

[COVID-19 Vaccination: Reducing vaccine hesitancy, Review & Recommendations](https://www.bsphn.org.uk/_data/site/54/pg/675/COVID-19-Vaccination-Reducing-Vaccine-Hesitancy.pdf)
‘This paper presents a rapid review of the literature to inform decisions on how local authorities can increase the uptake of the COVID-19 vaccination amongst their residents, using a behaviourally informed approach. Three areas of research are reviewed: vaccination intentions and behaviours for previous pandemics; population surveys to measure attitudes and intentions towards COVID-19 vaccination; and the influence of misinformation upon vaccination decision making.’
[Coronavirus Mini-Series #8 - Behavioural Science to Increase Vaccine Uptake (Jim McManus, Wayne Bateman, Paul Chadwick)](https://www.bsphn.org.uk/719/Coronavirus-Mini-Series-8---Behavioural-Science-to-Increase-Vaccine-Uptake-Jim-McManus-Wayne-Bateman-Paul-Chadwick)
‘This episode covers the upcoming release of the rapid response paper: COVID-19 Vaccination: Reducing Vaccine Hesitancy - Review & Recommendations. This is an incredibly important paper that Hertfordshire County Council will share widely to support the use of behavioural science in creating messaging to maximise uptake of the vaccine in the general population by supporting professionals across the system.’

**Royal College of Obstetricians & Gynaecologists**
[Updated advice on COVID-19 vaccination in pregnancy and women who are breastfeeding](https://www.rcog.org.uk/en/news/updated-advice-on-covid-19-vaccination-in-pregnancy-and-women-who-are-breastfeeding/)
‘The Government has today accepted the recommendation from the Medicines and Healthcare products Regulatory Agency (MHRA) to authorise Oxford University/AstraZeneca’s COVID-19 vaccine for use. The Joint Committee on Vaccination and Immunisation (JCVI) has also published its [latest advice](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/948338/jcvi-advice-on-priority-groups-for-covid-19-vaccination-30-dec-2020.pdf) for the priority groups to receive the Oxford University/AstraZeneca and the Pfizer/BioNTech vaccines. This includes updated advice for pregnant and breastfeeding women who meet other criteria for priority vaccination.’

**Healthy London Partnership**
[Enhanced Health in Care Homes London Covid-19 Vaccination webinar to support reducing vaccine hesitancy recording](https://www.youtube.com/watch?v=VivtYly4jto&feature=youtu.be)
The accompanying slides can be found [here](https://www.healthylondon.org/wp-content/uploads/2020/10/200121-EHCH-London-Care-Homes-Covid-Vaccination-reducing-staff-and-residents-hesitancy-final.pdf).

[COVID-19 Support](https://www.healthylondon.org/resource/accelerated-improvement-resources/enhanced-health-in-care-homes/covid-19-support/)
Range of links to various information documents on the vaccine including:

* [London care homes COVID-19 vaccine FAQs](https://www.healthylondon.org/wp-content/uploads/2020/10/London-care-home-Covid-vaccine-FAQs.pdf)
* [London Care Home COVID-19 Vaccine information pack](https://www.healthylondon.org/wp-content/uploads/2020/10/London-Care-home-vaccine-information-pack-V2-FINAL.pdf)

**News Articles**:
Personnel Today (HR publication):
[Ethical dilemma: Can employers insist on Covid-19 vaccinations?](https://www.personneltoday.com/hr/covid-vaccinations-ethics-employers/)
While it remains recommended rather than compulsory in the UK, employers won’t be able to impose a blanket instruction for staff to have the vaccine, or penalise them for not having it, according to Andrew Willis, head of legal at Croner. “Whether employers would be able to ban people from coming into work who refuse to have it would ultimately be very case-specific.”

[Covid-19: Will ‘anti-vaxxers’ pose a problem for HR?](https://www.personneltoday.com/hr/vaccines-will-anti-vaxxers-pose-problems-for-hr/)
Whatever views HR or managers hold around the anti-vaccination movement, it’s important to recognise that for some, this will be a deeply held view. “Listen to people’s concerns, they’re not expressing their views just to be awkward, even if they are based on propaganda,” advises David Liddle, CEO of mediation consultancy The TCM Group. “That way you’ve got a better chance of negotiating an outcome rather than trying to apply a rule that covers everyone.”

[Vaccinations: Why employers need to consider religion and belief](https://www.personneltoday.com/hr/covid-vaccinations-why-employers-need-to-consider-religion-and-belief/)
The main area of protection here under UK law is under the Equality Act 2010, which makes it unlawful to discriminate against someone because of religion or belief. The way this protection works is to look at the individual’s religion or belief in depth – it is not a question of categorising it neatly into a particular, named religion or its recognised practices and rules.

[Vaccination and data protection: What do employers need to think about?](https://www.personneltoday.com/hr/vaccination-and-data-protection-what-do-employers-need-to-think-about/)
Part of the challenge is the unprecedented nature of mass vaccination. “To date, employers have not been collecting medical data on employees relating to vaccinations as standard. It has not been seen as a benefit to the employer or the employee,” argues Tania de Bruler, owner of consultancy Specialised HR Solutions, which supports vegan, ethical and charitable organisations with HR support.

Ogletree Deakins (Law firm):
[Can UK Employers Require Employees to Get COVID-19 Vaccinations?](https://ogletree.com/insights/can-uk-employers-require-employees-to-get-covid-19-vaccinations/)
In England and Wales, the Public Health (Control of Disease) Act 1984 gives the government powers to prevent, control, or safeguard against the incidence or spread of infection or contamination. However, the legislation specifically provides that a person must not be required “to undergo medical treatment,” where ‘“medical treatment’ includes vaccination and other prophylactic treatment.” The Coronavirus Act 2020 extends this prohibition to Scotland and Northern Ireland. Accordingly, the UK government cannot make COVID-19 vaccination mandatory.

People Management (HR publication):
[Covid-19 vaccine: what businesses should consider](https://www.peoplemanagement.co.uk/experts/advice/covid-19-vaccine-what-businesses-should-consider)
David Greenhalgh, senior employment lawyer at Excello Law, says it seems unlikely the government will make vaccination mandatory because of the civil liberties and human rights challenges such a position would create. It is more likely that they will push employers to encourage their staff to get vaccinated, he says, in the same way that it used employers to encourage a return to the workplace earlier in the year.

Pinsent Masons (Law):
[Coronavirus: can UK employers require staff to be vaccinated?](https://www.pinsentmasons.com/out-law/guides/coronavirus-can-uk-employers-require-staff-vaccinated#:~:text=Only%20an%20employee%20who%20unreasonably,consider%20the%20reasonableness%20of%20this)
 Only an employee who unreasonably refuses to be vaccinated could be fairly dismissed. There must be an opportunity for the employee to set out their rationale for the refusal, and the employer will need to consider the reasonableness of this.

Ridout Law (Solicitors):
[Considering the issue of mandatory COVID-19 vaccinations for health and social care workers](https://www.ridout-law.com/considering-the-issue-of-mandatory-covid-19-vaccinations-for-health-and-social-care-workers/)
UPDATED ‘Whilst many healthcare workers are positive about the vaccine and want to receive it, there will be some workers who are concerned about receiving it (and others who choose not to or are unable to receive it). For staff who do not want to receive the vaccine because of safety concerns, employers should consider exploring these areas of concern with staff. Public Health England (PHE) has published guidance, ‘COVID-19 vaccination: guide for healthcare workers’ (updated on 15 January 2021) which explains why it is important for healthcare workers who are at a much higher risk of repeated exposure to coronavirus to receive the vaccine. Providers could refer staff to this guidance and staff can then make their own informed decisions about whether or not to be vaccinated. A copy can be accessed [here](https://www.gov.uk/government/publications/covid-19-vaccination-guide-for-healthcare-workers/covid-19-vaccination-guide-for-healthcare-workers).’

For more information and comments please send email to info@careengland.org.uk

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