



**University Hospitals
of North Midlands**
NHS Trust

Ref: FOIA Reference 2021/22-593

Royal Stoke University Hospital
Data, Security and Protection
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 14th March 2022

Email foi@uhnm.nhs.uk

Dear

I am writing to acknowledge receipt of your email dated 18th February 2022 (received into the PDR in box) requesting information under the Freedom of Information Act (2000) regarding Covid-19.

The University Hospitals of North Midlands Trust is committed to the Freedom of Information Act 2000.

However, the NHS is facing unprecedented challenges relating to the coronavirus (COVID-19) pandemic at the current time. Understandably, our resources have been diverted to support our front-line colleagues who are working tremendously hard to provide care for our patients, and to those in need of our services.

We strive to be transparent and to work with an open culture. But at this time, whilst care of our patients and the safety of our staff takes precedent, it is likely that responses to some requests for information will be delayed. We apologise for this position in advance, and will endeavour to provide you with as much information as we can, as soon as we are able.

The Information Commissioners Office has recognised the current situation in the NHS.

As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Q1 I am writing to you to express my concern and anger that despite the announcement made by the Secretary of State for Health, Sajid Javid on 31 January 2022, NHS employees and other healthcare workers are still being asked their vaccination status and are facing discrimination based on their vaccination status.

The Secretary of State made this oral statement in the House of Commons on Monday 31 January 2022.

“While vaccination remains our very best line of defence against COVID-19, I believe it is no longer proportionate to require vaccination as a condition of deployment through statute.”

The Secretary of State essentially made these two key points



- The government will consult for 2 weeks on introducing a new statutory instrument to repeal the VCOD 1 (care homes) and VCOD 2 (NHS and wider social care) regulations. (It is noted that the consultation period was reduced to 1 week from 9 to 16 February 22)
- The government will not enforce the regulations during this period.
Also on 31 January, NHS England sent a letter to all NHS Trusts containing this statement and indicating that the requirements to meet with and begin the process of serving notice should cease immediately.

We are aware that, based on the guidance already issued to the service, you will have begun to prepare for formal meetings with staff on their deployment if they remain unvaccinated. This change in Government policy means we request that employers do not serve notice of termination to employees affected by the VCOD regulations. (1) The consultation period was reduced to 1 week and until the results are available, and the Secretary of State has signalled his intention, no healthcare workers should be placed in a position where they feel coerced or threatened with the possibility of losing their jobs or being redeployed to a role that they have not chosen because of their vaccination status.

Ministers had been repeatedly warned that the COVID-19 vaccination mandate legislation would cause significant staffing issues for the NHS and the care sector but chose not to listen. Unfortunately, much of the damage has already been done. Thousands of care workers have been forced from jobs they love, leaving care homes struggling and affecting the welfare of residents. Sadly, many NHS workers will also have resigned from their posts ahead of the 3 February deadline rather than be coerced into taking a vaccination which they chose to decline for many legitimate reasons. The impact of the legislation once announced worsened the staffing crisis, hampering the NHS and social care, causing significant upset to staff, and directly affecting patient care. Vast amounts of time and resources, which employers could have spent on patient care, have been needlessly wasted.

Healthcare workers have a right to free and informed consent to any medical treatment which means being entitled to decline any medical treatment. This also forms the basis of patient treatment and is a foundational pillar of medical ethics. Those who have decided not to get the COVID-19 vaccine are exercising their right to choose and many will have arrived at a decision based on their own health, underlying conditions and religious or philosophical beliefs. Any attempt to force anyone to take a COVID-19 vaccine by restricting their right to work or study deprives them of their fundamental right to choose freely what is best for them.

All NHS trusts have in place policies to ensure that their staff are protected from discrimination based on gender, age, race, sexual orientation, pregnancy. Those protections are based on fundamental principles of human rights and employment law. We insist that you apply the same principles of fairness and protection to healthcare workers who have declined to take the COVID-19 vaccine and that as employers, you will not unfairly discriminate against anyone in that group. Furthermore, on 9 February 2022, NHS England confirmed that they had asked NHS Trusts to contact workers who had resigned before the 3 February deadline. "It is advised that employers contact individuals who may have resigned due to the requirement to be fully vaccinated to discuss the government's plan to consult on revoking the regulations. This should be done as soon as possible" (2)

Affected healthcare workers will now be asked submit information that demonstrates they are being treated unfairly and discriminated against because of their vaccination status and that may be used in legal action.

In light of the above, we ask you to confirm by return that:

You will treat all employees with equal dignity and respect.

- A1 On 6 January 2022, the Government announced new regulations requiring the mandatory vaccination of staff in health and social care aged 18 or over, who are employed or engaged in the provision of a CQC regulated activity and who have direct, face-to-face contact with patients, unless medically exempt. Then on 2 February 2022, the Government announced that it was reviewing this legislation and therefore all activity has been paused and we are waiting for a further update on the outcome of the current consultation process.

As you will be aware, the Trust is required to comply with legislation. There is no discretion or authority to depart from the regulations. However, it is important to be clear that the Trust will not pressure or coerce staff to be vaccinated; this is a personal choice for each individual employee and is one which the Trust respects. Please be assured that the Trust will comply with its obligations under the Equality Act 2010 and has carried out an equality impact assessment in respect of the regulations. We value the contribution all our staff make to delivery of patient care and will continue to work with staff to ensure compliance with the regulations; to that end we will continue to treat staff with dignity and respect and will continue to engage with staff and encourage staff to be vaccinated.

- Q2 You will cease all and any attempts to introduce a COVID-19 vaccine mandate by preventing those who are unvaccinated from continuing in their current roles, applying for new jobs within the health service and from any studying related to their roles.**

- A2 See answer 1

- Q3 You will contact any former employees who have resigned owing to the threatened mandate and will seek to reinstate the wherever possible.**

References

1. <https://www.england.nhs.uk/coronavirus/wp-content/uploads/sites/52/2022/01/C1575-update-vaccination-as-condition-of-deployment-VCOD-for-all-healthcare-workers.pdf>
2. <https://www.hsj.co.uk/workforce/unvaccinated-staff-should-be-welcomed-back-urges-nhse/7031860.article>

- A3 The reasons for leaving recorded in our Staff Records System do not include the reason “resigned owing to the threatened mandate”. Therefore we are not able to establish any former employees who may have decided to leave for this reason.

The Trust advertises its vacant posts on publically available websites. Former employees who may have resigned due to the threatened mandate would not be excluded from applying for any advertised post

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.

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An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

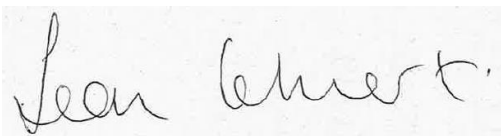
Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 671612.

Yours,



Jean Lehnert
Data, Security & Protection Manager