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Evidence is insufficient to back mandatory NHS staff vaccination, says House of Lords committee

Zosia Kmietowicz

A House of Lords committee has raised several concerns about the proposed legislation to make vaccination against SARS-CoV-2 mandatory for all NHS staff in England, particularly whether the benefits of vaccinating the remaining 8% of NHS workers were proportionate and how the NHS would cope with losing the 5.4% who don't want to be vaccinated.¹

The Secondary Legislation Scrutiny Committee said that the government's plans had not been thoroughly thought through, leaving the House of Lords unable to scrutinise the proposed legislation.

On 9 November England's health and social care secretary, Sajid Javid, announced that all staff who work in health and social care settings regulated by the Care Quality Commission will have to be fully vaccinated by 1 April 2022.² "We must avoid preventable harm and protect patients in the NHS, protect colleagues in the NHS, and protect the NHS itself," he said.

But in a report published on 30 November the committee said that the benefit of increasing the protection from vaccinating staff who had not yet taken up offers of the jab "may be marginal" and that the government had failed to publish any contingency plans on how it would cope with the loss of staff who do not want the vaccine.

The report said that of the 208 000 NHS staff who weren't currently vaccinated 54 000 (26%) would take up the vaccine under the law and 126 000 (61%) would leave their jobs.

"Given the legislation is anticipated to cause £270m in additional recruitment and training costs and major disruption to the health and care provision at the end of the grace period, very strong evidence should be provided to support this policy choice. DHSC [Department for Health and Social Care] has not provided such evidence," it said.

The committee also criticised the department for failing to include in the legislation practical detail about how expressions such as "face to face" or "otherwise engaged" would be applied, referring instead to guidance to be produced in the future.

The committee's chair, Robin Hodgson, said, "We fully support high levels of vaccination, but DHSC is accountable to parliament for its decisions and needs to give us a clear statement of the effect of these regulations, the effect of doing nothing, and any other solutions considered, so parliament fully understands all the consequences of what it is being asked to agree to. This is particularly important when the NHS is already under such pressure.

"DHSC has provided no single coherent statement to explain and justify its intended policy, and this undermines the ability of the House to undertake effective scrutiny of the proposed legislation."

1 House of Lords Secondary Legislation Scrutiny Committee. 21st Report of Session 2021-22 drawn to the special attention of the House. Draft Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) (No. 2) Regulations 2021. Nov 2021. <https://committees.parliament.uk/publications/7989/documents/82445/default>.

2 Rimmer A. Covid vaccination to be mandatory for NHS staff in England from spring 2022. *BMJ* 2021;375:n2733. doi: 10.1136/bmj.n2733 pmid: 34758984

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