

### **Consultation on the draft Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations 2019**

#### **Regulatory Impact Assessment relating to “The Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations**

### **Introduction**

1. This draft Regulatory Impact Assessment (RIA) has been developed to consider the implications of introducing Regulations under sections 94(1)(b) and 94(3) of the Public Health (Wales) Act 2017<sup>1</sup> (“the Act”). The Regulations will prescribe an “object” or description of an “object” used for the purpose intimate piercings. The prescription of such “objects” will ensure they are captured for the purpose of Part 5 (Intimate Piercing) of the Act which came into force on 1 February 2018. Part 5 prohibits the intimate piercing of children and young persons under the age of 18 in Wales.

### **Current Position**

2. The commencement of Part 5 of the Act in February 2018 makes it an offence to perform, or make arrangements to perform, an intimate piercing on a particular person who is under the age of 18 in Wales. Section 96 of the Act defines an intimate piercing as a body piercing performed on an intimate body part where performed otherwise than in the course of a medical procedure. The definition of “body piercing” is the perforation (including puncture or incision) of an individuals’ skin, or mucous membrane, with a view to enabling jewellery or another “object” to be attached to, implanted in or removed from the individual’s body. There are ten “intimate areas” listed within section 96 of the Act, including the breast, genitalia, buttocks and tongue, and these apply to all genders. The current prohibition that captures all intimate piercing procedures that use jewellery (whether attached to, implanted in or removed from an individual’s body) as set out in section 94(1)(a) of the Act. However, the Act also provides for intimate piercings using “objects” to be captured within those prohibitions, if regulations are made which prescribe the “objects” pursuant to section 94(1)(b) and 94(3). These draft Regulations therefore seek to specify the objects which are captured for the purpose of the intimate piercing prohibition in Part 5 of the Act.

### **Implications of Intimate Piercings on Children and Young People Under 18**

3. As young people continue to grow during their teenage years, an intimate piercing performed at a young age could result in further complications arising as their bodies develop. Young people may also be less likely to have the experience or knowledge of how to clean or maintain an intimate piercing, leading to an increased risk of infection. Complications following body piercing can include swelling, infection, bleeding, allergy and tear or physical injury. Nerve damage and scarring may occur if a body piercing is poorly performed. Complications can be particularly serious for those with underlying health conditions, and cases of individuals who have died following a piercing have been

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<sup>1</sup> <http://www.legislation.gov.uk/anaw/2017/2/contents/enacted>

recorded. In addition, although uncommon, unsafe or unhygienic practices can lead to the transmission of infectious diseases such as those caused by blood borne viruses<sup>2</sup>.

4. A survey<sup>3</sup> in relation to piercings carried out in England found that over a quarter of people who had a piercing procedure (other than of the earlobes) experienced complications, and around half of those who experienced complications considered them serious enough to seek further help. The prevalence was higher amongst those aged 16-24, with health problems and complications occurring with around a third of piercings. The same study found a higher incidence of complications in connection with certain types of body piercings, including intimate piercings - problems were most likely to be reported in the case of piercings of the genitals (45%) and the nipples (38%).

## **Purpose and Effects of the draft Regulations**

5. The primary purpose of these draft Regulations is to protect children and young people from the potential health harms which can be caused by an intimate piercing that involves/uses an “object” (whether it be attached to, implanted in or removed from an individual’s body). The potential health complications associated with intimate piercings which use “objects” include swelling, infection, bleeding, allergy, and tear or injury. Nerve damage and scarring may also occur if intimate piercing procedures are poorly performed. Whilst rare, complications from piercings can result in a hospital admission and may be particularly serious for those with underlying health conditions. Prescribing “objects” used for intimate piercings within these draft Regulations will ensure that the prohibition introduced in February 2018 via Part 5 of the Act equally captures intimate piercings which involve “objects” such as flesh plus and tunnels in addition to those which use jewellery such as rings. This will help to ensure that the Welsh Government’s aim of fully protecting children and young people from the potential harms that can be caused by an intimate piercing (as referenced above) is met. In addition to the potential health harms, Part 5 of the Act (and the regulations made in relation to it) also aim to protect children and young persons by prohibiting circumstances where they are placed in a potentially vulnerable situation, such as exposing intimate body parts to a person who may be previously unknown to them.

## **Cost and Benefit Considerations**

6. Detailed consideration of the costs and benefits of Part 5 of the Act are provided in the RIA for the Act which is available on the National Assembly for Wales’ website<sup>4</sup>. Only those costs and benefits additional to those already considered as part of that detailed RIA are discussed in this document.

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<sup>2</sup> Hayes, MO. Harkness, GA. (2001) Body piercing as a risk factor for viral hepatitis: an integrated research review. American Journal of Infection Control. 29, 271-274.

<sup>3</sup> Bone, A. Ncube, F. Nichols, T and Noah, ND. (2008) Body piercing in England: a survey of piercing at sites other than earlobe. BMJ, 336, 1426.

<sup>4</sup> <http://www.assembly.wales/laid%20documents/pri-ld10796-em/pri-ld10796-em-e.pdf>

## Options

7. This RIA considers two options:

- **Option One** – Do nothing
- **Option Two (the preferred option)** – Use the power within the Act (section 94(1)(b) and 94(3) of Part 4) to introduce Regulations to prescribe “objects” for the purposes of the Part 5 of the Act (Intimate piercings) by way of regulations. This would ensure that “objects” are captured for the purpose of the restriction in Part 5 of the Act in addition to jewellery.

### Option One – Do Nothing

#### Description

8. There would be no change to the current legislation under this option and there would be no prescribed “objects” for the purpose of Part 5 of the Act. This would mean that it would continue to be an offence to perform an intimate piercing on, or making arrangements to perform an intimate piercing on, a child under the age of 18 in Wales using jewellery, but it would not be an offence to do so using an “object” such as flesh plug. This would leave children and young people in Wales at risk as it would still be legally possible for them to have an intimate piercing involving the insertion of an “object” if they so wished.

#### Costs

9. As this option proposes no change, there would be no additional costs to the Welsh Government, to local authority enforcement officers or body piercing businesses and practitioners as a result of doing nothing. However, there will continue to be some small costs to the NHS in Wales in relation to the treatment of complications associated with the continued practice of intimate piercing procedures performed on under 18s using “objects”, such as swelling, infection, bleeding, allergy, nerve damage, scarring and tear or injury. The detailed RIA for the Act provided confirmation of the financial impact on the NHS in Wales for the treatment of complications arising from the intimate piercing of under 18s in Wales. Those costs were assumptive calculations based on the limited data available around the numbers of intimate piercings of under 18s in Wales, and were based on the treatment of all types intimate piercings of under 18s and no differentiation was therefore made between intimate piercings using jewellery, or those using “objects”.

#### Benefits

10. There are no additional benefits from this option. Body piercing practitioners and businesses could continue to perform intimate piercing procedures on under 18s in Wales using “objects”, and there would be no restrictions on them doing so.

#### Conclusion

11. The option to do nothing is not considered sufficient or appropriate as children and young people would remain at risk of harm.

**Option Two – Use the provisions at section 94(1)(b) and 94(3) of the Act to introduce Regulations to prescribe “objects” used in intimate piercings which are to be caught by the Part 5 prohibition.**

12. This option would utilise the regulation-making power provided for at section 94 of the Act which is important in order to complete, and make fully effective, the prohibition in relation to the intimate piercing of children under the age of 18 in Wales. The Regulations would prescribe “objects” that are used in intimate piercings. In doing so, this would enable those “objects” to be captured alongside jewellery under the current restriction (introduced under Part 5 of the Act on 1 February 2018) which prohibits the performance of an intimate piercing on children and young people under the age of 18 in Wales. This option would mean that performing (or making arrangements to perform) an intimate piercing on a child under the age of 18 in Wales using jewellery and/or prescribed “objects” would be prohibited.

**Costs**

13. All of the costs under this option are expected to be one-off, transition costs associated with informing local authorities and businesses about the new Regulations. These costs are expected to be incurred in 2019/2020 – 2020/2021.

**Welsh Government**

14. The costs to the Welsh Government to announce the coming into force of the intimate piercing prohibition in February 2018, along with the production and cascading of guidance documents relating to that prohibition, were identified in the RIA for the Act, and were fully incurred when the new intimate piercing law came into force in February. A further, small scale communication exercise with key stakeholders will, however, need to be undertaken to introduce the “objects” Regulations. This exercise will notify those key stakeholders of the new Regulations and make them aware that the prohibition on intimately piercing under 18s in Wales will also capture intimate piercings using “objects” as well as jewellery. Communication will take place via a number of different bilingual modes, such as emails and letters etc to respective stakeholders as appropriate.
15. As part of the communication exercise announcing the introduction of the intimate piercing prohibition in February 2018, the Welsh Government produced three bilingual guidance documents<sup>5</sup> which were disseminated to body piercing practitioners and businesses, enforcement officers, and publicised to individuals under 18 and their parents/guardians. As part of the new communication exercise, minor amendments will need to be made to the guidance documents for body piercing practitioners and businesses, and enforcement officers. **This would amount to 0.5 hours of policy officials’ time to amend/update the text of those two bilingual documents (including processing for translation etc), equating to a total cost of £8.50 (see table below for full costs).**
16. Following revision of those bilingual guidance documents, they would need to be cascaded to the respective audiences across Wales. In respect of businesses and practitioners, when the new intimate piercing law was introduced in February 2018 the original bilingual guidance document for that sector was produced both electronically and in hard copy, and the hard copies were posted to them, along with a covering bilingual letter. It is not policy officials’ intention to repeat the process of re-issuing hard copies of the revised guidance to body piercing businesses and practitioners in Wales. The intention is for those stakeholders to be notified of the updated guidance via a bilingual letter which will be posted to them.

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<sup>5</sup> <https://gov.wales/topics/health/nhswales/act/piercing/?lang=en>

The text of that bilingual letter will be drafted by Welsh Government officials and will serve as formal notification of the introduction, and impact, of the new “objects” Regulations. It will also alert practitioners and businesses to the fact that the bilingual guidance has been updated, and is available electronically to consult and download from the Welsh Government website. **Drafting the bilingual letter would incur 1 hour of officials’ time at a total cost of £22.00 (see table below for full costs).** Officials will enlist the services of local authorities across Wales in producing and issuing the hard copy bilingual letters to all body piercing businesses and practitioners within their respective areas. **The full costs associated with the production of the letter, related materials and postage to businesses and practitioners (ie., paper, printing, envelopes and postage) will fall to local authorities in Wales (see cost impacts for local authorities in the appropriate table below).**

17. In the months running up to the introduction of the “objects” Regulations, officials will regularly liaise and communicate closely with local authorities and their Enforcement Officers across Wales. This is important given their role as the primary enforcement agency for the intimate piercing prohibition, and also the new “objects” Regulations that will be captured as part of that prohibition. They will be made aware of the revisions being made to the bilingual guidance documents, their availability on the Welsh Government’s website, and how the Welsh Government intends to communicate with the key stakeholder groups about the availability of those revised guidance documents and the introduction of the Regulations. Despite that planned close liaison with local authorities, officials will need to provide local authorities with a formal bilingual letter advising them of the intended coming into force of the “objects” Regulations. That letter will be issued in advance of the Regulations coming into force and will set out key information: the purpose of the Regulations; their distinct impact on, and requirements for, local authorities in Wales; their distinct impact on and requirements for other key stakeholders; the duty falling on local authorities to enforce them; and the actions falling to local authorities to engage with businesses and practitioners in their respective areas about the introduction of the new Regulations. That letter would be issued by email to the 22 local authorities across Wales. **Costs associated with drafting the text of the bilingual letter and email, and then emailing the letter to the 22 local authorities across Wales would incur 1 hour of policy officials’ time at a total cost of £22.00 (see table below for full costs).**
18. Communication to police officers will be handled via a bilingual letter, drafted by policy officials and cascaded via email by colleagues in the Welsh Government’s Police Liaison Unit. It will be issued in advance of the “objects” Regulations coming into force and will provide the necessary formal notification of the introduction and impact of those new Regulations on the key stakeholders. It will also alert Police Officers to the revised bilingual guidance documents and their availability on the Welsh Government website for reference and download. **This would amount to 1 hour of policy officials’ time to draft the bilingual text of the letter and covering email and Police Liaison Unit colleagues to issue the email to the 4 Police Head Quarters across Wales at a total cost of £22.00 (see table below for full costs).**
19. Costs associated with Welsh Government’s provision of training to local government Enforcement Officers, other relevant local government staff, and also Police Officers, in respect of the intimate piercing law that came into force in February 2018 were identified in the detailed RIA for the Act. Those costs were fully incurred through the delivery of three training courses across Wales in the run up to the introduction of the intimate piercing legislation in February. The training courses provided at that time were very comprehensive and covered in detail all aspects of the intimate piercing legislation. As the new draft Regulations seek simply to prescribe those “objects” that are used for the purpose of intimate piercing, no further training will need to be provided by the Welsh Government for local authorities, their Enforcement Officers or Police Officers. As identified above however,

officials will need to provide formal communication to Enforcement Officers and Police Officers about the new Regulations, their implications, and the communication plans being taken forward by the Welsh Government. Those costs are detailed at the relevant sections above and **the table below sets out the full costs attributed to the Welsh Government.**

Costs to the Welsh Government			
Action	Staff Time, Hourly Rate and Total Cost	Materials	TOTAL Costs
Officials' time to bilingually update the guidances for body piercing businesses and practitioners and also for enforcement officers and upload both to the Welsh Government's website.	1) 0.5 hours to update the text @ £17.00 an hour = £8.50		£8.50
Officials' time to draft the bilingual text of the letter to be issued by local authorities in Wales to all body piercing businesses and practitioners in Wales	1) 1 hours to draft the letter @ £22.00 an hour = £22.00		£22.00
Officials' time to draft the bilingual text for the email communication to local authorities and accompanying electronic letter	1) 1 hours to draft the email and letter @ £22.00 an hour = £22.00		£22.00
Officials' time to draft the bilingual text for the email communication to the 4 Police Forces in Wales and accompanying electronic letter	1) 1 hours to draft the email and letter @ £22.00 an hour = £22.00		£22.00
<b>TOTAL COST</b>			<b>£74.50</b>

## Local Authorities

20. There will be some additional costs to local authority Enforcement Officers as they will need to be aware of and familiarise themselves with the new Regulations, their impact and implications, and the revised bilingual guidance documents, particularly the one for enforcement officers (see costs set out in the table below for local authorities).
21. The new Regulations will need to be considered by the local authorities' Communicable Disease Expert Panel and Health and Safety Expert Panel on an all Wales basis during one of their routine quarterly meetings as this will ensure consistency of interpretation of the new Regulations, and also clarity and consistency of enforcement of the new Regulations across all 22 local authorities in Wales. **This will entail a total of 10 minutes' time of 6 Senior Environmental Health Officers' time at each of the Expert Panels to consider the new Regulations at a total cost of £140.00. Additionally 15 minutes' time of 6 Senior Environmental Health Officers' time at each of the Expert Panels to disseminate information about the new Regulations and the discussions at Expert Panel to key members of their teams at a total cost of £210.00. These are set out in the table of costs for LAs below.**
22. Enforcement Officers will not be required to attend any training sessions in relation to the new Regulations. Costs associated with Welsh Government's provision of training to local authority Enforcement Officers etc. in respect of the introduction of the new intimate piercing law in February 2018 were identified in the detailed RIA for the Act. Those costs were fully incurred through the delivery of three training courses across Wales in the run up to the introduction of the intimate piercing legislation in February. The training courses provided at that time were very comprehensive and covered in detail all aspects of the intimate piercing legislation. As the new Regulations deal with the prescription of "objects" that are used for the purpose of intimate piercing to ensure such "objects" are also captured within the scope of the intimate piercing prohibition, no further training is required for Enforcement Officers. There are therefore no further costs associated with the need for

local authority officers to attend training on the new Regulations. As set out above however, officials will communicate and engage with Enforcement Officers on a number of issues around the introduction of the new Regulations, **but those costs fall to the Welsh Government and are set out in the Welsh Government's table of costs above.**

23. Key Enforcement Officers across all 22 local authorities in Wales will receive feedback from their Senior Enforcement Officers on the discussions on the new Regulations at the two Expert Panel meetings. They will also then need to familiarise themselves with the new Regulations and the updated bilingual guidance documents for Enforcement Officers and body piercings businesses and practitioners. **Associated costs will amount to 15 minutes time commitment for 10 EHOs in each of the 22 local authorities in Wales at a total cost of £2,750.00. These are set out in the table of costs for LAs below.**
24. As set out above, local authorities will be asked to assist Welsh Government officials by issuing to all body piercing businesses and practitioners in their areas in advance of the Regulations coming into force, the formal bilingual notification letter (as drafted by the Welsh Government) about the new Regulations, their implications, and the availability of updated bilingual guidance documents on the Welsh Government's website. **This will amount to 8 hours of local authorities' time at £20.00 an hour (on an all Wales basis) to address, print, envelope and post 500 letters to businesses and practitioners across Wales at a cost of £160.00 for the whole of Wales. It will also cost £1 per letter for the printing resource, paper, envelopes and postage stamps for the 500 letters at a cost of £500 for the whole of Wales (see costs set out in the table below for local authorities).**
25. Enforcement Officers will also possibly need to deal with ad-hoc queries from body piercing businesses and practitioners about the new "objects" Regulations. This is difficult to quantify and cost. Based on the evidence of minimal queries generated for local authorities across the whole of Wales when the intimate piercing prohibition was introduced in February 2018 it is highly likely that queries generated in relation to the new "objects" Regulations will also be minimal in nature. **No costings are therefore attributed to this.**
26. In addition, the new Regulations will extend the powers of Enforcement Officers for the purpose of undertaking enforcement action against the intimate piercing of under 18s in Wales using "objects", in addition to their current powers of enforcing intimate piercings of under 18s in Wales using jewellery. The detailed RIA for the Act identified that there are 6 prosecutions per year relating to the intimate piercing of under 18s in Wales. It was not possible to identify in that RIA the proportion of those prosecutions involving intimate piercings using "objects" as opposed to jewellery so **on that basis the introduction of the new "objects" Regulations will not generate any additional costs in relation to prosecutions for local authorities in Wales.**
27. Similarly to the intimate piercing legislation that was introduced in February 2018, there is no regular timetable of inspections of premises specifically required in relation to and as a result of these new Regulations. Enforcement Officers were already required to undertake enforcement duties in respect of persons<sup>6</sup> who perform intimate piercing procedures prior to the introduction of the intimate piercing legislation in February 2018, and it was recognised within the detailed RIA for the Act that there would be some additional local government staff costs following the introduction of the intimate piercing legislation in February. Whilst the introduction of these new Regulations to include "objects" within the ambit of intimate piercing prohibition of under 18s in Wales adds slightly to the enforcement powers of Enforcement Officers, they do not add a significant burden in respect of their actual, current enforcement duties relating to the intimate piercing legislation. **On that basis the**

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<sup>6</sup> 'Persons' means registered and unregistered businesses, and individuals who operate outside of a business.

**introduction of the new Regulations will not generate any additional costs in relation to enforcement duties for local authorities in Wales.**

## **Police**

28. Police Officers in Wales will need to be aware of the new Regulations and their implications, and also the updated bilingual guidance documents for enforcement officers (specifically), and the guidance for body piercing practitioners and businesses. As the new Regulations extend the scope of the intimate piercing legislation already in place in Wales, and the amendments to the guidance documents are anticipated to be minor, **the costs associated with noting the changes are likely to be negligible and are therefore not costed.**
29. Police Officers will not be required to attend any training sessions in relation to the new “objects” Regulations. Costs associated with Welsh Government’s provision of training to Police Officers etc in respect of the new intimate piercing law introduced in February 2018 were identified in the RIA for the Act. Those costs were fully incurred through the delivery of three training courses across Wales in the run up to the introduction of the intimate piercing legislation in February. The training courses provided at that time were very comprehensive and covered in detail all aspects of the intimate piercing legislation. As the new Regulations simply prescribe those “objects” that are used for the purpose of intimate piercing, and thus extend the scope of the intimate piercing prohibition to ensure such “objects” are also captured, no further training is required for Police Officers etc. **There are therefore no further associated training costs for Police Officers in that regard.**
30. As set out within the Welsh Government costs’ section above however, officials within the Welsh Government’s Police Liaison Unit will communicate with Police Officers by issuing a formal bilingual letter by email to the Headquarters of the 4 Police Forces in Wales making them aware that through the introduction of the new Regulations, both “objects” and jewellery will be equally captured within the prohibition of the intimate piercing of under 18s in Wales. The letter will also reference the updated guidance documents and their availability on the Welsh Government’s website. **The costs to the Police Liaison Unit to issue the email and for Police Officers across Wales to take account of the Welsh Government’s letter, note the extended scope of the intimate piercing prohibition as a result of the new Regulations, and to be aware of the revisions to the guidance documents, are negligible and will be absorbed in operational budgets. They are therefore not costed.**



Costs to Local Authorities			
Action	Staff Time, Hourly Rate and Total Cost	Materials	TOTAL Costs
6 Senior Environmental Health Officers' time (6 x 10 minutes) to discuss the Regulations at a Communicable Disease Expert Panel Meeting and 6 Senior Environmental Health Officers' time (6 x 10 minutes) to discuss the Regulations at a Health and Safety Expert Panel Meeting.	1) 10 mins discussion of the Regulations at 2 Expert Panel meetings by 6 SEOs = 2hrs @ £70.00 per hour = <b>£140.00</b>		£140.00
12 Senior Environmental Health Officers' time to disseminate information about the discussions held at the Expert Panel meetings amongst key members of their teams (12 x 15 minutes).	2) 12 SEOs x 15 mins = 3 hours @ £70.00 an hour to disseminate information about the Regulations to key staff = <b>£210.00</b>		£210.00
Time in all 22 LAs for SEO and EHOs to discuss Expert Panel meetings and then familiarise themselves with the implications of the new Regulations and the updated bilingual guidance documents for enforcement officers and body piercings businesses and practitioners.	3) 10 EHOs per LA x 22 = 220 in total (management time included in rate). 220 EHOs x 15 minutes @ £50.00 ph = £2,750.00 to familiarise themselves with the Regulations		£2750.00
LA admin staff time to address, print and issue the WG drafted notification letters to businesses and practitioners alerting them to the new Regulations and the updated bilingual guidance document	1) 8 hours to process 500 letters @ £20.00 an hour = <b>£160.00</b> (these costs are on an all-Wales basis)	£1.00 per letter allowed (to include postage, paper, printing and envelopes) x 500 letters (on all Wales basis) = <b>£500.00</b>	£660.00
Enforcement Officers' time to handle ad hoc queries from businesses and practitioners	NOT quantifiable		£N/A
<b>TOTAL COSTS</b>			<b>£3760.00</b>

## Body Piercing Businesses and Practitioners

31. Body piercing businesses and practitioners will incur some minimal familiarisation costs for the time that will be required of them to: familiarise themselves with the new Regulations and the implications for them; take account of the communication letter issued to them by their local authority which will set out key information about the new Regulations; familiarise themselves with the revised bilingual guidance documents available on the Welsh Government's website; ensure they and their staff fully understand the implications of new Regulations and are able to convey to their customers those implications; and implement any changes within their businesses and to their processes to ensure they, and their staff, do not intimately pierce anyone under 18 in Wales using an "object" as prescribed in the new Regulations. Taking account of the fact that the main intimate piercing ban came into force on 1 February 2018, and these new Regulations are extending the scope of that ban to include intimate piercings performed with prescribed "objects", officials consider this is unlikely to be significantly onerous for body piercing practitioners and businesses across Wales to comprehend and adapt to the changes introduced by these Regulations, and **therefore any related costs will be minimal and hence are not quantified.**
32. The detailed RIA to the Act identified that there may be some loss of income for the piercing industry in Wales when the intimate piercing legislation was introduced in February 2018. Through the application of a number of assumptions (page 197 of the RIA to the Act), those costs had been calculated to be between £2,500 and £495,000 per annum. **Further, the discussions held with practitioners suggested that the ban on intimate piercing of**

**under 18s would involve little or no financial cost for them, therefore the lower end of the above cost range was considered to appear more likely.**

33. As identified in the RIA to the Act, the expected high compliance rate with the legislation, and the low number of breaches likely to be identified through complaints or test purchasing exercises, indicated that few fines would be levied on piercing practitioners as a result of the intimate piercing ban, and it was estimated that there would be no more than six prosecutions by Enforcement Officers across Wales each year. It was not considered possible to provide a definitive figure about the fines that would be given because Magistrates' Courts have a wide discretion, and hence for the purpose of the earlier RIA, a £5,000 fine was used for the basis of the calculations. The total cost of fines to practitioners was therefore estimated to be approximately £30,000 per year. In addition, it was anticipated that prosecuted practitioners/businesses may be subject to legal fees, recovery of costs by local authorities and victim compensation and that those costs would be highly variable and consequently could not be accurately assessed. Given that the new Regulations will extend the scope of the intimate piercing ban already in place so as to include "objects" as well as jewellery, **officials do not consider that any of the previously estimated costs would change as a result of the introduction of the new Regulations defining "objects" for the purpose of intimate piercings.**

### **Manufacturers of the "Objects" Defined in the Regulations**

34. It is not considered that there will be any significant loss of revenue for manufacturers who produce the types of "objects" that are prescribed in the draft "objects" Regulations. As outlined in the paragraphs above, the previous market of under 18 year olds who sought intimate piercings was not accurately quantifiable, but is thought to be such a small proportion of the overall market that the prohibition on this age group is considered negligible in respect of sales of both "objects" used for intimate piercing purposes (being introduced as part of these new Regulations), and also jewellery that is used for the purpose of intimate piercings (which was introduced when the intimate piercing ban was commenced on 1 February 2018).

### Courts

35. As set out in the RIA to the Act, the intimate piercing legislation introduced in February 2018 was not expected to result in more than six prosecutions per annum in Wales, which concluded that this would have limited impact on the courts in Wales. In identifying a maximum of 6 prosecutions for Wales, there was no further analysis of the proportion of those 6 prosecutions that related to intimate piercings using jewellery, or the proportion that related to intimate piercings using "objects". The intended introduction of the new Regulations to define "objects" used in intimate piercings to enable them to be captured within the prohibition of intimate piercings of under 18s in Wales will therefore have no significant impact on increasing the number of prosecutions beyond the expected annual total of 6 in Wales. **Consequently there will be no further costs on the Courts associated from the introduction of the "objects" Regulations.**

### Overall Costs

36. The total cost of the new Regulations for the Welsh Government and all key stakeholders is expected to be £3,834.50, and this cost will be incurred towards the end of 2019/2020 financial year into 2020/2021.

## BENEFITS

37. The introduction of the “objects” Regulations will prohibit the intimate piercing of all under 18s in Wales using an “object”. As set out in the detailed RIA for the Act however, there is a lack of data about the number of under 18s who had previously had an intimate piercing (using either an item of jewellery or an “object”) before the introduction of the age prohibition on 1 February 2018. It was estimated however, that there were between 1,067 and 8,672 under 18s having an intimate piercing of any kind (jewellery and “objects”) in Wales each year. **How many of those involved an intimate piercing with an “object” as prescribed in the new Regulations (and as opposed to jewellery) is not known, and therefore not quantifiable.**

## NHS Savings

38. The main quantifiable benefits identified under the previous RIA for all types of intimate piercings were savings to the NHS in terms of avoidable treatment costs. Costs to the NHS in Wales for treating health complications amongst under 18s as a result of intimate piercings were estimated as being between £17,929 and £146,402 per year. It was further assumed that if the intimate piercing ban had a 95% compliance rate, the annual savings to the NHS were estimated at between £17,032 and £139,082. Part of these estimated costs would include the unquantifiable element of intimate piercings using an “object”.
39. It was acknowledged in the previous RIA that these potential savings for the NHS might not fully materialise, as young people under 18 who are intent on having an intimate piercing could seek out a disreputable practitioner or business willing to ignore the law and provide the intimate piercing, or even perform the piercing themselves. It was acknowledged that such practices might take place in unhygienic conditions, which in turn may increase the risk of complications and the need for NHS treatment. Mitigation for this was proposed as a communications package to make young people aware of the dangers of using practitioners and businesses which are not registered to perform body piercing procedures. A “Question and Answer” leaflet was produced for young people under 18 and their parents/guardians as part of the information materials produced for the commencement of the intimate piercing ban on 1 February 2018.

## Other savings

40. Beyond the potential savings for the NHS identified above, there are a number of other benefits from the proposed legislation which are more difficult to quantify. Extending the prohibition on the intimate piercing of under 18s to include prescribed “objects” would bring clarity to the situation for practitioners and potential clients. Many practitioners who contacted the Welsh Government during the passage of the Act indicated that they do not perform intimate piercings on young people. The Regulations seek to reinforce the good practice of practitioners and raise awareness amongst young people of the potential seriousness of the health harms and dangers that intimate piercings present.
41. It is not considered that there will be any significant benefit to the police, but extending the provisions for intimate piercing to include prescribed “objects” will give clarity for local authority enforcement officers in respect of interpretation of the intimate piercing part of the Act for enforcement and/or prosecution in cases of non-compliance.
42. Extending the provisions to include prescribed “objects” will further benefit young people. Previous estimations were that there were between 51 and 416 under 18s a year experiencing health complications following an intimate piercing, and requiring help from a GP. It was also estimated there may have been between 82 and 668 under 18s undergoing an intimate piercing who sought help with health complications from pharmacists, or from

an A&E department (between 24 and 199), or from inpatient care (between 34 and 277), while others with health complications may have sought help from body piercing practitioners, or no help at all. As health complications such as pain, discomfort and anxiety have costs to individuals as well as the NHS, reducing the risk of these complications by prohibiting the intimate piercing of under 18s using “objects” is beneficial, even though they cannot be quantified.

43. The benefits delivered by the intimate piercing ban introduced on 1 February 2018 in terms of safeguarding children and young people who may be placed in a vulnerable position when having an intimate piercing performed, will be further enhanced by the additional inclusion in the ban of prescribed “objects” that may also not be used for intimate piercing under 18s in Wales.

## Summary and Preferred Option

44. **Option One** would maintain the existing situation where the prohibition relating to the intimate piercing of under 18s in Wales would capture only those intimate piercings using jewellery, and would not therefore contribute to the further protection of children and young people in Wales from the equal health harms that can be caused by intimate piercings using “objects”. Additionally it would not contribute to the desired eradication of circumstances where children and young people who might seek to undergo an intimate piercing are placed in vulnerable positions.
45. **Option Two** is the preferred option and through the introduction of the “objects” Regulations it would contribute to the further protection of children and young people in Wales from the health harms that can be caused by an intimate piercing using “objects” as prescribed in the Regulations. Additionally, it would contribute to the eradication of circumstances where children and young people who might seek to undergo an intimate piercing using a prescribed “object” are placed in vulnerable positions. Introduction of the “objects” Regulations will also serve to help reduce the incidence of body piercing-related complications, including infections and injuries.

## **Annex B2:**

**Consultation on the draft Public Health (Wales) Act  
2017 (Prescribed Objects for Intimate Piercing)  
Regulations 2019**

## **Welsh Language Impact Assessment**

## Welsh Language Impact Assessment

<b>Title:</b>	<b>WLIA Reference No</b> <i>(completed by WLU):</i> 01/07/2018				
<b>Name of person completing form:</b>	<b>Health Protection Policy and Legislation Branch,          Public Health Division, Health and Social Services          Group, Welsh Government</b>				
<b>Date:</b>	12/7/18				
<b>Contact details:</b>	Public Health Division: <a href="mailto:SpecialProceduresMailbox@gov.wales">SpecialProceduresMailbox@gov.wales</a> <a href="mailto:SpecialProceduresMailbox@llyw.cymru">SpecialProceduresMailbox@llyw.cymru</a>				
<b>Programme/Project Type</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Policy  <input checked="" type="checkbox"/> Legislation  <input type="checkbox"/> Grant  <input type="checkbox"/> Business change  <input type="checkbox"/> Infrastructure  <input type="checkbox"/> Construction, Capital  <input type="checkbox"/> ICT  <input type="checkbox"/> Other (Please specify below)         </div> <div style="width: 50%;"> <input type="checkbox"/> Project or programme  <input type="checkbox"/> Research, evaluation  <input type="checkbox"/> Services  <input type="checkbox"/> Contracts, tenders         </div> </div> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>					
<b>Costs: How much is the projected whole life cost for the programme/project?</b> If below £25k, then a full WLIA is not always required (see guidance).					
Under £25k	£25k - £49k	£50 - £249K	£250K - £1m	Over £1m	
x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Of the above, please provide details if there are any identified costs directly associated with the Welsh language?</b>  None other than internal legal translation					
<b>How long is the programme/project expected to run?</b>					
Up to 1 yr	Up to 2yrs	Up to 5yrs	Up to 10yrs	More than 10 yrs	Unknown
x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Key milestone dates for the programme/ project:</b>  12 week Consultation on draft Regulations anticipated July 2018 Proposed plenary date for affirmative regulation procedure anticipated January/February 2019 Proposed coming into force date February/March 2019					
<b>STAGE 1: PLANNING</b>					
<b>What are the aims and objectives of the policy?</b> <b>What are the desired outcomes/ what constitutes 'success'?</b>					

<p>The draft Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations 2019 deal specifically with the provisions around intimate body piercing at Part 5 of the Public Health (Wales) Act 2017, which prohibits the intimate piercing of children and young people under the age of 18 in Wales. Part 5 came into force on 1 February 2018.</p> <p>The prohibition currently applies to intimate piercings using items of jewellery only. These Regulations utilise further powers provided at Part 4 of the Act to prescribe “objects” that captured within the definition of intimate piercings, and are therefore also captured (equally with jewellery items) within the prohibition relating to the intimate body piercing of children under 18 in Wales.</p> <p>The draft Regulations will apply to all businesses (and individuals employed as part of those businesses) who undertake body piercing services in Wales, and by extension will apply to all potential customers of those piercers in Wales.</p>
<p><b>What policy options have been considered?.....and What impacts will there be if the policy is <i>not</i> implemented?</b></p> <p>The policy options for intimate piercing of children and young people under 18 were fully considered during the passage of the Public Health (Wales) Act 2017. The WLIA completed at that time was published on the National Assembly for Wales website here:</p> <p><a href="http://gov.wales/docs/dhss/publications/161123welsh-language-impact-assessmentsen.docx">http://gov.wales/docs/dhss/publications/161123welsh-language-impact-assessmentsen.docx</a></p> <p>The impact of not enacting these draft Regulations will mean that the current intimate piercing prohibition that was introduced in February 2018 will only apply to intimate piercings procedures using jewellery. Consequently children and young people under 18 would therefore still be able to have intimate piercings that involve “objects”. This will mean the health harms associated with those procedures will still remain, as will the circumstances where under 18s would find themselves in potentially vulnerable positions with unknown adults who perform intimate piercing procedures using “objects”.</p>
<p><b>Does the programme demonstrate a clear link with the Welsh Government’s strategy for the Welsh language – <i>Cymraeg 2050 A million Welsh speakers</i></b></p> <p>Not applicable – the effects on the Welsh language are neutral.</p>
<p><b>What are the impacts/ effects (both positive and/or adverse) on the Welsh language you have identified at the initial planning stage</b></p> <p>i.e. Welsh speakers, Welsh language communities, Welsh medium education, Welsh learners, services available in Welsh?</p> <p>The impacts (negative and positive) on the Welsh language are neutral – these draft Regulations will apply to all businesses (and individuals employed as part of those businesses) who undertake body piercing services in Wales, and by extension apply to all potential clients of those piercers in Wales, regardless of their language of choice or operation.</p>
<p><b>Who are the stakeholders? Are the needs of Welsh speakers and learners addressed? To what extent are Welsh language interest groups likely to respond positively to the</b></p>

<b>proposals?</b>
<p>All businesses (and individuals employed as part of those businesses) who undertake body piercing services in Wales, and by extension apply to all potential clients of those piercers in Wales.</p> <p>Publicity materials and guidance documents for the intimate piercing requirements of the Public Health (Wales) Act 2017 have already been issued in both Welsh and English. These guidance documents have been aimed at body piercing practitioners and businesses, enforcement officers and members of the public respectively. These materials will be updated to include the provisions of these draft Regulations.</p>
<b>Where an assessment was not completed, or no impacts were identified, please provide a full account for record keeping purposes?</b>
<p>A full Welsh Language Impact Assessment was completed for the Public Health (Wales) Act 2017 as a whole at Bill stage, which included all the provisions for intimate piercing.</p>
<b>What actions/further work has been identified at the initial planning stage?</b>
<p>e.g. data requirements, need for peer review, external engagement with Welsh speaking groups, identify stakeholders or consultation list, need to contact Welsh Language Division for advice)?</p> <p>A full Welsh Language Impact Assessment was completed for the Public Health (Wales) Act 2017 as a whole at Bill stage, which included all the provisions for intimate piercing.</p> <p><a href="http://gov.wales/docs/dhss/publications/161123welsh-language-impact-assessmentsen.docx">http://gov.wales/docs/dhss/publications/161123welsh-language-impact-assessmentsen.docx</a></p>
<b>STAGE 2: IDENTIFYING AND ASSESSING IMPACTS</b>
<b><u>Impact Assessment Summary</u></b>
<b>Summarise the detailed impact assessment carried out together with the scores assigned.</b>
<b>The previous assessment identified the score as Neutral impact/1 (no change required).</b>
<b>Positive effects/ impacts:</b>
<p>Previous assessment for the Public Health (Wales) Act 2017 was:</p> <p><i>Issuing guidance and training in preferred languages will ensure that key stakeholders have the opportunity to fully understand the implications of Part 4, of the Bill.</i></p> <p><i>Working alongside stakeholders throughout the legislative process and implementation of the legislation will help ensure that the Welsh language is considered appropriately at all stages. This may include amendments and adjustments to the policy to help promote the use of the Welsh language where deemed necessary.</i></p>
<b>Adverse effects / impacts:</b>
<p>Previous assessment for the Public Health (Wales) Act 2017 was:</p> <p><i>None have been identified at this stage, but this will be considered throughout the legislative process, with the aim of minimising any impact wherever possible.</i></p>



<b>Opportunities to promote the Welsh language e.g. status, use of Welsh language services, use of Welsh in everyday life, Welsh at work increased?</b>	
Previous assessment for the Public Health (Wales) Act 2017 was:  <i>As the proposal relates to age restrictions rather than a specific service, there are limited opportunities for promoting the Welsh Language as a direct result of this proposal.</i>	
<b>Evidence/ data used including demographic profile when considering the effects/ impacts:</b>	
Previous assessment for the Public Health (Wales) Act 2017 was:  <i>Levels of Welsh language use by local authorities should be used to consider if adjustments to the policy are required and, if not, whether these are required on a national or local level.</i>	
<b>What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment?</b>	Positive: <input type="checkbox"/> Adverse: <input type="checkbox"/> Neutral: <input checked="" type="checkbox"/> Unknown: <input type="checkbox"/>
<b>Decision following IA</b>	1. No major change <input checked="" type="checkbox"/> 2. Adjust the policy to improve impacts <input type="checkbox"/> 3. Continue the policy with mitigation measures <input type="checkbox"/> 4. Stop and remove the policy <input type="checkbox"/>
<b>If answered 2,3, or 4 above – then answer the following:</b>	
<b>How will you address these impacts in order to improve the outcomes for the Welsh language? Details of mitigation measures/ action points/ alternative options to reduce adverse impacts and increase positive outcomes:</b>	
<b>If engaging or consulting, what are your plans? What questions do you wish to ask stakeholders about the Welsh Language Impact Assessment and Welsh language related issues?</b>	
These draft Regulations will be subject to a 12 week public consultation. This impact assessment will be published as part of that consultation document. The standard questions on impact assessment and the Welsh language will be included in the consultation questions.	
<b>STAGE 3: POST CONSULTATION AND PREPARING FOR PUBLICATION, MONITORING AND EVALUATION</b>	
<b>Following consultation, what changes have you made to address any Welsh language issues that were raised?</b>	
<b>How will you monitor the ongoing effects during the implementation of the policy?</b>	
<b>Please outline how you will continue to capture effects/ impacts in future monitoring and evaluation?</b>	
<b>Any other comments – ongoing results of evaluations, emerging impacts</b>	

#### STAGE 4. DECLARATION

**The policy does not have an impact upon the Welsh language. Where there were identified adverse impacts or missed opportunities, the appropriate amendments and actions have been put in place.**

Department: Health Protection Policy and Legislation Branch, Public Health Division, Health and Social Services Group, Welsh Government

Date: 12/7/18

Planned Review Dates: Post consultation

#### SRO ENDORSEMENT and REVIEW

I am satisfied that the WLIA is an accurate reflection of the programme/project at this stage of development. By signing, I am able to confirm that the Welsh Language Standards have been given the appropriate attention. I will re-assess the programme/project at key stages throughout the life of the programme/ project, including policy reviews.

Signed

(Senior Responsible Owner)

Date

Signed

(Senior Responsible Owner)

Review Date

## **Annex B3:**

### **to the Consultation on The Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations 2019**



### **Equality Impact Assessment (EIA) – Part 1**

<b>Policy title and purpose (brief outline):</b>	<b>Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations 2019</b>
<b>Department:</b>	<b>Health Protection Policy and Legislation Branch, Public Health Division, Health and Social Services Group, Welsh Government</b>
<b>Date:</b>	<b>12/7/18</b>

**1. Please provide a brief description of the policy/decision.**

**For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?**

The Public Health (Wales) Act 2017 (“the Act”) as a whole seeks to improve and protect the health and well-being of the population of Wales, through numerous provisions in discrete areas of public health policy. All of these provisions are intended to have a cumulative positive benefit for the population of Wales and seek to put in place conditions which are important to good health, in which harms to health can be prevented.

Part 5 of the Act came into force on 1 February 2018 and prohibits the intimate piercing of children and young people under the age of 18 in Wales. A full EqlA was completed to inform the passage of the Act, which was published on the National Assembly for Wales website. That EqlA can be seen here:

<http://gov.wales/docs/dhss/publications/161123equality-impact-assessments-public-health-billen.docx>

The intimate piercing prohibition currently applies to intimate piercings using items of jewellery only. These new draft Regulations utilise further powers provided at Part 4 of the Act to prescribe “objects” that are also used in intimate body piercings, and in doing so will ensure those prescribed “objects” are also captured within the prohibition. The draft Regulations enhance the provisions of the Act to help ensure children and young people are protected from health harms associated with intimate piercings.

**2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?**

As detailed in the previous EqlA for consultation on the principles on intimate piercing.

A comprehensive communications campaign was undertaken in January 2018 ahead of the coming into force date of Part 5 of the Public Health (Wales) Act 2017. This included the issuing of guidance documents for body piercing practitioners and businesses, enforcement officers and young people under 18.

These draft Regulations will be subject to a 12 week public consultation scheduled to start in July 2018.

In addition, work is ongoing with body piercing practitioners and local authority enforcement officers to discuss further provisions of the Public Health (Wales) Act 2017 in relation to special procedures (including body piercing) that are not yet in force.

**3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?**

The evidence for the intimate piercing requirements was set out in the previous EqIA.

***It is important to note any opportunities you have identified that could advance or promote equality.***

### **Impact**

**Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).**

**Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.**

**4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?**

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None / Negligible</b>	<b>Reasons for your decision (including evidence) / How might it impact?</b>
Younger people <i>(Children and young people, up to 18)</i>	X			The new draft Regulations extend the protection of children and young people under 18 from health harms in relation to intimate piercings by prescribing 'objects' that are also to be caught within the restriction on intimately piercing under 18 year olds.
People 18- 50			X	
Older people (50+)			X	

#### 4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			X	The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds, so do not have any specific impact on disability.
Hearing impairment			X	
Physically disabled			X	
Learning disability			X	
Mental health problem			X	
Other impairments issues			X	

#### 4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			X	The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds, so do not have any specific impact on gender.
Female			X	

#### 4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			X	The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds, so do not have any specific impact

				on transgender people.
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#### 4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			X	The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds, so do not have any specific impact on marriage/civil partnership status.
Civil Partnership			X	

#### 4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			X	The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds, so do not have any specific impact on pregnancy or maternity.
Maternity (the period after birth)			X	

#### 4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			X	The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds, so do not have any specific impact on race.
National Origin (e.g. Welsh, English)			X	
Asylum Seeker and Refugees			X	
Gypsies and Travellers			X	
Migrants			X	
Others			X	

#### 4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			X	The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds, so do not have any specific impact on religious or other beliefs.
Belief e.g. Humanists			X	
Non-belief			X	

#### 4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			X	The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds, so do not have any specific impact on sexual orientation.
Lesbians			X	
Bi-sexual			X	

#### 4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions	X			The draft Regulations provide a prescription of 'objects' that are to be prohibited for use in intimate piercing of under 18 year olds. The human rights of children/young people were



				separately considered under the CRIA process.
<p><b><i>If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.</i></b></p> <p>Not applicable.</p> <p><b><i>Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.</i></b></p>				

## Equality Impact Assessment – Part 2

**1. Building on the evidence you gathered and considered in Part 1, please consider the following:**

**1.1 How could, or does, the policy help advance / promote equality of opportunity?**

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

N/a

**1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?**

N/a

**1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?**

N/a

**2. Strengthening the policy**

**2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?**

**What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?**

N/a

**2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why. (Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)**

N/a

### 3. Monitoring, evaluating and reviewing

<b>How will you monitor the impact and effectiveness of the policy?</b>
List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).
N/a
The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.
N/a

### 4. Declaration

**The policy does not have a significant impact upon equality issues**

<b>Official completing the EIA</b>
Department: Health Protection Policy and Legislation, Public Health Division, Health and Social Services Group, Welsh Government
Date: 12/7/18
<b>Head of Division (Sign-off)</b>
Date:
Review Date: To be considered throughout the legislative process

## Annex B4:

### Consultation on the draft Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations 2019



### Children's Rights Impact Assessment (CRIA)

<b>Title / Piece of work:</b>	<b>Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations 2019</b>
<b>Department:</b>	Health Protection Policy and Legislation Branch, Public Health Division, Health and Social Services Group, Welsh Government
<b>Date:</b>	12/7/18

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children's rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NAFW.

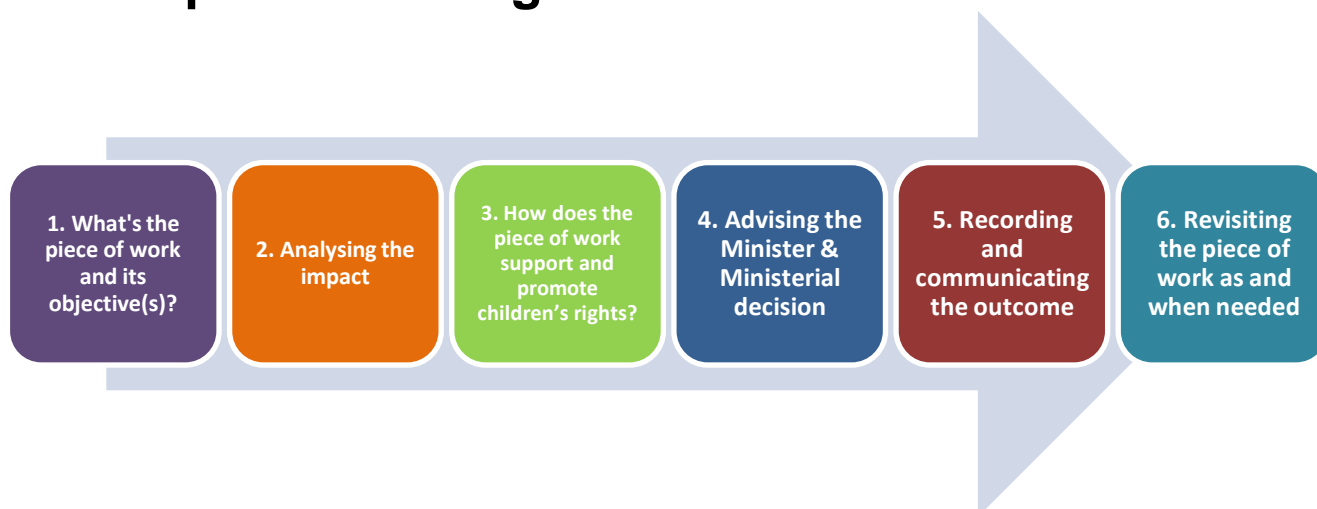
Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

You may wish to cross-reference with other impact assessments undertaken.

**NB. All CRIAs undertaken on legislation must be published alongside the relevant piece of work on the WG website. All other CRIAs must be listed in the WG CRIA newsletter and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.**

# Six Steps to Due Regard



## Step 1. What's the piece of work and its objective(s)?

You may wish to include:

- A brief description of the piece of work
- What the time frame for achieving it is?
- Who are the intended beneficiaries?
- Is it likely that the piece of work will specifically affect children?
- Will the piece of work have an effect on a particular group of children, if so, describe the group affected?
- Provide links to any supporting evidence, data or research which support your proposal.

The Public Health (Wales) Act 2017 ("the Act") as a whole seeks to improve and protect the health and well-being of the population of Wales, through numerous provisions in discrete areas of public health policy. All of these provisions are intended to have a cumulative positive benefit for the population of Wales and seek to put in place conditions which are important to good health, in which harms to health can be prevented.

Part 5 of the Act came into force on 1 February 2018 and prohibits the intimate piercing of children and young people under the age of 18 in Wales. A full CRIA was completed to inform the passage of the Act, which was published on the National Assembly for Wales website. That CRIA can be seen here:

<http://gov.wales/docs/dhss/publications/161123childrens-rights-impact-assessmentsen.docx>

The prohibition relating to the intimate piercing of under 18s in Wales currently only applies to intimate piercings using items of jewellery. These new draft Regulations utilise further powers provided at Part 4 of the Act to prescribe "objects" that are also used in intimate body piercings, and in doing so will ensure those prescribed "objects" are also captured (equally with jewellery items) within the prohibition. These draft Regulations prescribe all "objects" that are used for the purpose of intimate body piercings, with the purpose of extending the scope of the intimate piercing prohibition to provide further protection for children and young people from health harms associated from intimate piercings.

## Step 2. Analysing the impact

- What positive impacts will this piece of work have on children, young people or their families?
- What are the negative impacts and what compensatory measures may be needed to mitigate them?
- How will you know if your piece of work is a success?
- Have you considered the short, medium and long term outcomes?
- Have you developed an outcomes framework to measure impact?
- Do you need to engage with children & young people and/or stakeholders to seek their views using consultation or participatory methods?
- If yes to above, how have their views influenced your work?
- Do you need to produce child friendly versions of proposals/consultations?
- Does the piece of work have any links to delivering the key objectives of the [Child Poverty Strategy for Wales](#)?
- If so, state how the work may impact on child poverty.

A full CRIA was completed to inform the passage of the parent Public Health (Wales) Act 2017, which included full consideration of the requirements for intimate piercing. This CRIA was published on the National Assembly for Wales website:

<http://gov.wales/docs/dhss/publications/161123childrens-rights-impact-assessmentsen.docx>

The impacts on children's and young people's rights as previously assessed can be summarised as:

**Positive impacts**

*Children and young people under 18 are protected from the harmful effects of intimate piercing. Protecting children and young people from these procedures is important as they may have inadequate information or understanding about their long term consequences and impacts. [These are explained as risk of infection; child protection issues and risk of future complications arising from intimate piercings].*

**Negative impacts**

*Children and young people under the age of 18 years are prevented from having these procedures but this is considered a justifiable impact as the purpose of the proposal is to protect the health and wellbeing of children and young people in Wales.*

### Step 3. How does your piece of work support and promote children's rights?

Dependant upon the impact of your piece of work, use balanced judgement to assess:

- Which UNCRC articles are most relevant to the piece of work? Consider the articles which your piece of work impacts upon. <http://childrensrights.wales/images/PDF/UNCRCRights.pdf>
- Explain why these articles are relevant and how the piece of work promotes them.
- How are you improving the way children and young people access their rights?
- What aspects of children's lives will be affected by the proposal?
- What are the main issues that the CRIA should focus on?
- Does the piece of work help to maximise the outcomes within the articles of the UNCRC?
- If no, have any alternatives to the current piece of work been considered?
- Include any evidence from consultation(s), if applicable, here.

This work supports the following articles of the United Nations Convention on the Rights of the Child:

- Article 3 - All organisations concerned with children should work towards what is best for the child.
- Article 6 – All children have the right to life. Governments should ensure that Children survive and develop healthily.
- Article 24 – Children have the right to good quality health care so that they will stay healthy.
- Article 36 – Children should be protected from activities that could harm their development.

### Step 4. Advising the Minister and Ministerial decision

When giving advice and making recommendations to the Minister, consider:

- Outlining the ways in which the piece of work helps to maximise the outcomes within the articles of the UNCRC?
- Has any conflict with the UNCRC articles within the proposal been identified?
- Outlining the wider impact; does the proposal affect any other policy areas?
- With regard to any negative impacts caused by the proposal; can Ministers evidence that they have allocated as much resources as possible?
- What options and advice should be provided to Ministers on the proposal?
- In relation to your advice on whether or not to proceed with the piece of work, is there any additional advice you should provide to the Minister?
- How undertaking this CRIA has influenced your advice to the Minister.
- Is it appropriate to advise the Minister to reconsider the decision in the future, in particular bearing in mind the availability of resources at this time and what resources may be available in the future?
- Have you provided advice to Ministers on a LF/SF and confirmed consideration of the UNCRC at the relevant paragraph i.e. statutory compliance?
- Is the advice supported by an explanation of the key issues?

The formal consultation on the provisions of the Public Health (Wales) Bill (now Act) was undertaken between 2 April and 24 June 2014. This included a child and young person friendly document which sought to ensure that the voices of children and young people were heard and their views taken into account on the proposals contained within the Public Health White Paper.

A summary of these responses, and those to the White Paper as a whole (including those from the Children's Commissioner for Wales), were submitted to the Minister for Health and Social Services in

October 2014, ahead of the publication of the consultation summary report.

During the development of the Bill, the CRIA was submitted to the then Minister for Health and Social Services for his information and comment. The Minister was been advised that Part 4 of the Bill supports the articles of the UNCRC; namely Article 3, 6, 24 and 36 as outlined above.

The new draft Regulations will be subject to a 12 week public consultation, scheduled to take place from July 2018.

### **Step 5. Recording and communicating the outcome**

**Final version to be retained on i-share**

Evidence should be retained that supports:

- How the duty has been complied with **(Steps 1-3 above)**
- The analysis that was carried out **(Steps 1-3 above)**
- The options that were developed and explored **(Steps 1- 3 above)**
- How have the findings / outcomes been communicated? **(Step 4 above)**
- ‘Tells the story’ of how the assessment has been undertaken and the results **(Step 4 above)**
- Include any hyperlinks to additional background information which may be of relevance.
- All CRIAs undertaken on legislation must be published alongside the relevant piece of work on the WG website. All other CRIAs must be listed in the WG website CRIA newsletter and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

A version of the previous CRIA document was published to the National Assembly for Wales’ website on the link given above.

This latest CRIA will be published as part of the consultation document on the draft Regulations.

### **Step 6. Revisiting the piece of work as and when needed**

In revisiting the piece of work, consider any monitoring, evaluation or data collection that has been undertaken:

- Has your piece of work has had the intended impact as set out in Step 2.
- Have you engaged with stakeholders to discuss how the policy or practice is working.
- If not, are changes required.
- Identify where improvements can be made to reduce any negative impact.
- Identify any opportunities to promote children’s rights, bearing in mind any additional availability of resources at this time.

Not required, as the draft Regulations are intended to reinforce existing provisions.

## Budgets

<b>Does the piece of work have any associated allocation of budget?</b>	<b>No</b>
<b>Can you identify how much of this budget will be used for children and young people?</b>	<b>N/A</b>
It is important that where any changes are made to spending plans, including where additional allocations or savings have been made, that this has been assessed and evidenced as part of the CRIA process.	
<b>Has any additional spend been identified to ensure children and young people have been given an opportunity to contribute to the piece of work and have their opinions heard? If so, how much?</b>	<b>N/A</b>
<b>Please give any details:</b>	

## Monitoring & Review

<b>Do we need to monitor / review the proposal?</b>	<b>No</b>
<b>If applicable: set the review date</b>	

**See next page for a  
Summary List of the  
UNCRC articles**



# THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

[www.uncrcletsgetitright.co.uk](http://www.uncrcletsgetitright.co.uk)

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



**Llywodraeth Cymru  
Welsh Government**

[www.cymru.gov.uk](http://www.cymru.gov.uk)

## Article 1

Everyone under 18 years of age has all the rights in this Convention.

## Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

## Article 3

All organisations concerned with children should work towards what is best for each child.

## Article 4

Governments should make these rights available to children.

## Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

## Article 6

All children have the right to life. Governments should ensure that children survive and develop healthily.

## Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

## Article 8

Governments should respect children's right to a name, a nationality and family ties.

## Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

## Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

## Article 11

Governments should take steps to stop children being taken out of their own country illegally.

## Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

## Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

## Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

## Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

## Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

## Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

## Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

## Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

## Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

## Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

## Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

## Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

## Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

## Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

## Article 26

The Government should provide extra money for the children of families in need.

## Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

## Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

## Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

## Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

## Article 31

All children have a right to relax and play, and to join in a wide range of activities.

## Article 32

The Government should protect children from work that is dangerous or might harm their health or education.

## Article 33

The Government should provide ways of protecting children from dangerous drugs.

## Article 34

The Government should protect children from sexual abuse.

## Article 35

The Government should make sure that children are not abducted or sold.

## Article 36

Children should be protected from any activities that could harm their development.

## Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

## Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

## Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

## Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

## Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

## Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: [www.uncrcletsgetitright.co.uk/](http://www.uncrcletsgetitright.co.uk/)

Or - The National Information and Advice Service for Young People [www.nicoline.co.uk/news/](http://www.nicoline.co.uk/news/)