

The Public Health (Wales) Act 2017 - Part 4 (Special Procedures):

Information on Implementation Progress

January 2020. This document will be reviewed and updated (if required) monthly.

Welsh Government Position Statement

The Welsh Government hopes to commence implementation of Part 4: Special Procedures of the Public Health (Wales) Act 2017, in 2020. However, constraints on legal resources and competing work pressures arising from the UK leaving the EU on 31 January may limit progress.

It is therefore unlikely, even if commenced, that Part 4 of the Act can be fully implemented this year so as to create the mandatory licensing regime for the four specified Special Procedures i.e. Acupuncture, Body Piercing, Electrolysis and Tattooing.

Key points

The current legal requirements regarding registration and enforcement for acupuncture, body piercing, electrolysis and tattooing remain in place.

The Welsh Government continues to work with local authorities (LAs) and practitioners to develop systems and materials that will be required for delivery of the future new licencing scheme. This includes:

- Working closely with specialist Environmental Health Officers in Wales to prepare draft regulations and guidance for special procedures;
- Development of an approved and regulated Level 2 Qualification on Infection Control and Prevention for Special Procedures Practitioners, including trialling a tutor pack and course materials and working with stakeholders to establish approved training centres in Wales.
- Working with local authorities to develop a central database for a future online all-Wales practitioners and premises register.

All 22 Welsh LAs are starting to make arrangements for the future introduction of the regulations:

- LAs have reviewed and updated their existing registers to ensure they know how many practitioners are legitimately operating in their area and that the information they have is up to date. Many practitioners will have received a letter requesting information.
- LAs have been reviewing the procedures and resources they have available to support the introduction and implementation of the regulations.
- Nominated specialist officers have been involved in developing licencing fees, procedures and documentation, consulting with local practitioners and supporting the development of the Level 2 infection control course and establishing approved training centres to deliver the qualification. This has been undertaken through regional and national networks in Wales.
- Environmental Health Officers (EHOs) also supported the practitioners' awareness conferences and assisted in the interactive workshops that took place in 2019.
- The EHO network extends outside Wales and the Welsh Government has been working with colleagues from London and the Midlands who have introduced local licencing schemes to learn from their experiences.

A summary of the main requirements of the licensing system for practitioners

The Public Health (Wales) Act received Royal Assent in July 2017. Part 4 of the Act requires a mandatory licensing scheme for practitioners and businesses carrying out 'Special Procedures' in Wales. 'Special Procedures' include those practices currently requiring registration under the Local Government (Miscellaneous Provisions) Act 1982, namely tattooing (including semi-permanent make up), body piercing, acupuncture and electrolysis.

The main requirements of the mandatory licensing scheme include:

- Practitioners must be licensed to carry out special procedures (it will be an offence to carry out special procedures without a licence);
- Business premises or vehicles must be approved (it will be an offence for a practitioner to perform any procedures from premises or vehicles that are not approved);
- A full licence will last for 3 years, and a temporary licence will last for 7 days (this is to accommodate events and conferences). It will be a requirement to display the licence in the premises where the special procedure is undertaken;
- Licence conditions will relate to the competence of practitioners, the premises where practitioners work, the equipment and practices used, advice given before and after the special procedure and the records kept by practitioners;
- Competence will relate to infection control and first aid in context of the special procedure practised. The level of competence will relate to the level of risk linked to the special procedure, for example ear lobe piercing would not require the same level of competence as body piercing. Knowledge of the requirements of the Act will also be required;
- Currently registered practitioners will need to transition to the new mandatory system and time will be allowed for those practitioners (and their premises) to be assessed by LAs and moved on to the new licensing system;
- LAs will be responsible for enforcing the licensing requirements and for keeping up to date a public register. There will be greater powers to enforce this legislation than those currently in place, as well as the ability to revoke a licence and immediately stop unsafe practices. Fines will also be unlimited upon successful prosecution;
- In order to ensure the legislation remains up to date as new special procedures evolve in the future, the Act includes a provision to make further legislation to amend/add to the list of special procedures.

The Welsh Government has been liaising with practitioners, professional associations and interested stakeholders to develop a bespoke accredited infection control course and up to date bespoke industry guides, as well as considering the development of a more bespoke structured career path for practitioners of special procedures in Wales.