

# **The Health & Care Act and the future licensing of aesthetic practitioners completing non-surgical cosmetic (aesthetic) procedures**

## **What YOU need to know**

The new Health and Care Act 2022 gives the Government powers to introduce a licensing scheme for practitioners who operate in **England**. Work is now underway to decide what the licensing scheme will look like. This will then be introduced via secondary legislation. The timescale for this is yet to be outlined.

The reason for the legislation is to reduce the risk of harm associated with ineffectively performed non-surgical cosmetic procedures, also known as aesthetic procedures, to the public.

Once in force, this legislation will make it an offence to perform particular procedures without a license.

Here is a quick Q&A to answer some of the questions you may have about what's to come:

## **Q&A - Top consumer 'must knows'**

### **1. As a consumer, am I now protected from 'botched' non-surgical cosmetic (also known as aesthetic) procedures in law?**

No. The law passed in April 2022 simply gives the UK Government powers to introduce a licensing scheme to regulate premises and practitioners who offer certain procedures. The details relating to this new licencing scheme have not been written or passed yet.

### **2. When will the new law come in regulating non-surgical cosmetic (aesthetic) procedures?**

We don't know yet is the simple answer. From recent statements that Ministers within the Department of Health and Social Care have given, we understand that the Government definitely intends to introduce legislation but the timeline for this has not yet been published. The specific regulations that will underpin the licensing scheme will be subject to extensive engagement with stakeholders and public consultation.

### **3. What will be considered a non-surgical cosmetic (aesthetic) procedure under the law?**

The wording of the Health and Care Act law passed in April defines a non-surgical cosmetic (aesthetic) procedure under the term "cosmetic procedure" as a procedure, other than a surgical or dental procedure, that is carried out for cosmetic purposes; and includes—

- (a) the injection of a substance;
- (b) the application of a substance that is capable of penetrating into or through the epidermis;
- (c) the insertion of needles into the skin;
- (d) the placing of threads under the skin;
- (e) the application of light, electricity, cold or heat;

However, the exact procedures within this definition will be defined as the licensing law is drafted. The Government intends to consult on exactly which procedures will be included in the scope of the new licence.

**4. Are only medical professionals (Doctors, Nurses, Dentists, etc.) allowed to offer non-surgical cosmetic (aesthetic) procedures?**

No. Medically trained and non-medically trained professionals can currently offer non-surgical cosmetic (aesthetic) procedures. However, we consider that all practitioners offering such procedures should be trained to an agreed national standard. We know however, that this is sometimes not the case.

A key aim of the new licence will be to correct this public safety issue by requiring all practitioners who perform the specified non-surgical cosmetic (aesthetic) procedures to provide evidence that they meet a new (and yet to be defined) minimum standard of training, education and skill competence.

**5. What qualifications will aesthetics practitioners need to do non-surgical cosmetic (aesthetic) procedures?**

We do not yet know what qualifications will be required. The Government intends to consult on a new enforceable education and training standard.

**6. What insurance will aesthetics practitioners need to have?**

All practitioners will be legally required to hold indemnity insurance to protect members of the public if something goes wrong with their procedure. The level of insurance for practitioners is still to be decided.

**7. What should I do if I am unhappy with a procedure?**

If you have any concerns about a medical or aesthetic practice, salon, clinic or individual practitioner you should contact your Environmental Health Department at your local Council. If your practitioner is a registered health care professional (such as a nurse, doctor or dentist) then you can also seek advice from their professional regulator (i.e., the [General Medical Council](#) etc).

**8. What should I do if I have a bad reaction or negative side effects after a procedure?**

Contact the practitioner who performed the procedure immediately and seek their advice. If this is unsatisfactory, contact your GP or in an emergency attend your Urgent Care Centre at your local hospital.

**9. Will all practitioners have to be inspected to get a licence?**

Yes. The intention is that all practitioners and the premises from which they work will have to be inspected and checked against certain standards prior to receiving a licence. The requirements for a practitioner and a premise licence will be set out in regulations.

**10. Where can I find a qualified aesthetic practitioner now?**

Currently there is no central place to find qualified aesthetic practitioners because there are many different types of qualification and training available, which many argue vary in quality and competency.

This is why a licensing scheme that ensures a minimum standard of practice to include premises and practitioner competence is needed.

#### **11. How do I know if the product/equipment is safe and licenced for use in the UK?**

You should always ask your practitioner about the products and equipment that they use as part of your procedure. If you are receiving an injectable product or medicine then you should ask to see the container in which the substance is sealed within and check that it has a UK quality 'CE' or 'UKCA' mark to check that it is safe and appropriately produced. If you have any queries regarding the product, device or substance that is intended for use as part of your procedure then you can seek advice from the [Medicines and Healthcare products Regulatory Agency \(MHRA\)](#).

#### **12. What will be licensed?**

What will be included within the licence is still to be decided. However, it is intended that both practitioners and the premises from which they work will be expected to show proof of certain qualifications and insurance and provide evidence that the premises where procedures take place meet hygiene and safety standards

### **Q&A - Top Practitioner 'must knows'**

#### **1. When will the new law come in regulating non-surgical cosmetic (aesthetic) procedures?**

We don't know yet is the simple answer. Recent statements from Ministers within the Department of Health and Social Care show that the Government definitely intends to introduce legislation. However, the timeline for this has not yet been published.

#### **2. Are only medical professionals (Doctors, Nurses, Dentists, Allied Health professionals etc.) allowed to offer non-surgical cosmetic (aesthetic) procedures?**

No. Medically trained and non-medically trained professionals can currently offer non-surgical cosmetic (aesthetic) procedures. However, we consider that all practitioners offering such procedures should be trained to an agreed national standard. We know however, that this is sometimes not the case.

A key aim of the new licence will be to correct this public safety issue by requiring all practitioners who perform the specified non-surgical cosmetic (aesthetic) procedures to provide evidence that they meet a new (and yet to be defined) minimum standard of training, education and skill competence.

#### **3. Will practitioner insurance be mandatory?**

Yes. Whilst the details of the licence are still to be decided, we understand that the Government's intention is to make it mandatory for practitioners to have some level of insurance and to provide members of the public with access to a formal complaints and redress scheme.

#### **4. As a practitioner, what is going to change in terms of what I can and can't do?**

We need to wait for the drafting of the licence to learn exactly what will be included within the licence and what level of training that will be required. However, we expect that, from a date to be agreed:

- practitioners who perform procedures within the scope of the new license will have to demonstrate that they possess a nationally determined standard of knowledge and skill to perform those procedures safely and effectively.
- practitioners will be required to work from premises that meet a national standard in health protection and infection control which will be determined by local authority environmental health officers.
- Other standards are also expected to be included in the license around issues of product supply, storage of products and medicines, prescribing practice, complaints procedures, insurance and the information given to clients by practitioners.

**5. How will practitioners be able to obtain a licence?**

Practitioners and premises owners will be able to apply for a licence via their local authority as soon as the licensing scheme is announced.

**6. How much will a licence cost and will this be a one-off cost or annual?**

The cost and frequency of the licence has not yet been decided.

**7. Will practitioners have to be inspected to obtain (and renew) a licence?**

Yes. The intention is that practitioners and premises will have to be inspected and checked against certain nationally agreed and enforceable standards prior to obtaining a licence.

**8. Can I be prevented from working / operating if I fail a licence inspection?**

Yes. As with existing licensing schemes, failure to meet the requirements of the licence can lead to practitioners and premises being prevented from operating. The exact details of the sanctions that will be applied to those practitioners who fail to meet the required standards set down for the new licence have yet to be legally determined.

**9. Can I be prevented from practising if I do not possess the correct qualifications or training?**

Yes - in the future when the new licence is enforced in England. Whilst the exact level and content of the national mandated standard is yet to be determined, the intention is that only practitioners who meet an agreed standard will be able to carry out those procedures that are defined as being within the scope of the new licence.

**10. What qualifications will practitioners need to possess to perform non-surgical cosmetic procedures?**

See the response to point 9. This will be determined following extensive consultation between the Government and stakeholders.

**11. How do I know that the products and equipment I am buying is safe and licensed for use in the UK?**

You should always ensure that the medicines, products, devices and equipment that you are intending to use as part of your procedure are ethically sourced and carry a UK quality 'CE' or 'UKCA' mark and/or meet MHRA quality approval standards. If you are using a prescription only medicine as part of your procedure, then you should ensure that you follow nationally agreed guidelines standards on prescribing practice and always undertake to ensure that a face-to-face

assessment has been undertaken by the prescriber and the person for whom the prescription is intended prior to the prescription being issued.

If you have any queries regarding the product, device or substance that is intended for use as part of your procedure then you can seek advice from the manufacturer or pharmaceutical company that produces it, from your pharmacy supplier or from the [Medicines and Healthcare products Regulatory Agency \(MHRA\)](#).

## **12. What procedures will be licensed?**

In the wording of the Health and Care Act law passed in April 2022, a cosmetic procedure is defined as a procedure, other than a surgical or dental procedure, that is carried out for cosmetic purposes; and includes—

- (a) the injection of a substance;
- (b) the application of a substance that is capable of penetrating into or through the epidermis;
- (c) the insertion of needles into the skin;
- (d) the placing of threads under the skin;
- (e) the application of light, electricity, cold or heat;

However, the exact procedures within this definition will be defined as the licensing law is drafted. The Government intends to consult on exactly which procedures will be included in the scope of the new licence.

## **13. What else will be included in the licence?**

Again, details of what will be included within the licence is still to be decided. However, we expect that practitioners will be expected to show proof of certain qualifications and insurance, and that the premises where procedures take place meets hygiene and safety standards.

## **14. Do I have to have this licence if I already have a special treatments registration or other licence?**

Yes. All practitioners and premises wishing to offer procedures included within the scope of the future licence will have to have a specific licence to do so.

## **15. If I am CQC regulated, will I still have to be licensed?**

Yes. The intention is that all practitioners, including registered health care professionals, will have to have a specific licence to carry out any of the procedures included within the future legislation.

Wherever possible we expect that the Government will seek to remove duplication of inspection regimes. However, what is clear is that the new national licensing standard for aesthetic practice will be applied to all providers and practitioners, regardless of their professional background.

In addition, all registered healthcare professionals who perform procedures that are defined for inclusion within the scope of the new licence will also need to continue to satisfy all requirements set down by their Professional Statutory Regulator.

## **Top Tips for anyone looking to have a non-surgical cosmetic (aesthetic) procedure**

Regardless of any new legislation, it is always important to make sure you're asking the right questions and taking sensible precautions when seeking to have any kind of procedure.

To help, here is a checklist of points that can help you find a reputable practitioner:

1. How long has the practitioner (person that will be doing the procedure) been qualified and how many procedures of this kind have they completed?
2. Can they provide proof of their certification, registration or qualifications? (this should be issued by a University or national body that regulates qualifications, examinations and assessments such as [Scottish Qualifications Authority](#), [Qualifications Wales](#) or [Ofqual](#)).
3. Are the premises where the procedure will be taking place clean and safe?
4. Has the practitioner or premises got an existing licence or registration?
5. Has the practitioner given you adequate information about the products, devices and medicines that they intend to use in order for you to make an informed decision that they are safe?
6. What level of insurance cover does the practitioner have and does it cover if anything should go wrong in your procedure?
7. Does the procedure require a prescription only medicine? If so, have you been offered a consultation with the prescriber as well as the practitioner?
8. What is the practitioner's process in the event of any complications?
9. Have you been offered access to complaints system and/or access to a redress scheme should things go wrong?
10. Can the practitioner show examples of their other procedures, (e.g., before and after images) and/or testimonials?
11. Has the practitioner completed any further continued professional development (CPD) to demonstrate maintenance of their skillset?
12. Has the practitioner discussed the provision of a 'cooling off' period prior to commencing the procedure or details of aftercare arrangements?
13. Has the practitioner provided you with a detailed assessment as to why you're seeking your procedure?
14. Did that assessment consider all aspects of the client's wellbeing, including psychological and emotional needs?
15. Does the practitioner belong to a professional body or association?

Whatever you decide, take time to consider your procedure options and do not make hasty decisions to book anything until you are sure you are comfortable and that the procedure is right for you.

If you have any concerns about an aesthetics practice, clinic, salon, spa or individual practitioner you should contact your local Council's Environmental Health Team or the [Health and Safety Executive](#).

These resources are supported by:

- The British Association of Beauty Therapy & Cosmetology (BABTAC)
- The British Beauty Council (BBCo)
- The British Institute and Association of Electrolysis (BIAE)
- The Chartered Institute of Environmental Health (CIEH)
- The Department of Health and Social Care (DHSC)

- The Federation of Holistic Therapists (FHT)
- The Federation of Nail Professionals (FNP)
- The Hairdressing and Beauty Industry Authority (HABIA)
- The Joint Council for Cosmetic Practitioners (JCCP)
- The National Hair & Beauty Federation (NHBF)
- UK Spa Association (UKSA)

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