



JCCP Statement on the UK Government's Second Wave 'Lock Down' Position

Earlier this year the JCCP released a document '*Preparing Your Place of Work: Covid-19 & return to practice*'. This guidance document has now been updated (<https://bit.ly/34TS109>). The guidance document was produced to assist aesthetic practitioners to deliver effective treatments as safely as possible within the context of a carefully prepared practice environment and in such a manner that would seriously minimise risks of contracting Covid-19 for patients, practitioners and their employees. The guidance has also been informed by available best practice advice and current government restrictions on non-medical related elective service delivery available at that time (noting also that this is a constantly changing and dynamic situation within the UK). This guidance was also produced following consultation with the Cosmetic Practice Standards Authority.

During the second Government 'lock down' period, as ever, safety of the patient, public and the practitioner is central to all that we do. The JCCP believes that there should be no compromise in safety for financial gain. We advise that a full return to 'unrestricted' business can only officially and legitimately resume when the Government Administrations in the four UK nations advise that is legally safe to do so. The JCCP supports this position and does *not* support the unrestricted resumption of practice during the 'second wave' forthcoming Government-imposed lockdown. Government advice on resumption of practice should form *part* of the decision to remain open, along with your ability to implement a risk-assessed and informed policy, and other material factors which may impinge on your capacity to perform safely and responsibly.

For the avoidance of doubt, it should be noted that under no circumstances is our advice designed to supersede that provided by the four Government administrations in the UK or instructions provided by the professional statutory regulating bodies. In so doing the JCCP does not set to challenge the autonomy of professional clinical decision making of registered healthcare professionals with regard to their requirement to exercise their duty of care, informed by their clinical judgement when determining whether a patient required a consultation, assessment or an urgent treatment intervention for either a 'medical' or 'medically-related' treatment'. This extends also to preventive care and treatment. Such matters and responsibilities are referred to and set down in the JCCP/CPSA 'Code of Conduct', (2020).

The guidance should be used by competent cosmetic practitioners to ensure that they comply with patient safety and public protection standards required by both UK statutory professional and voluntary registers.

The following points are important in placing an understanding of the guidance document in context.

- The Coronavirus pandemic is an evolving and dynamic crisis. Therefore, this guidance will be updated accordingly, but should not supersede contemporaneous government or healthcare regulatory body advice.
- There is no policy or process identified which can consistently eliminate the risk of contracting or transmitting this virus.



- This guidance must be considered in addition to statutory obligations for Health and Safety in the workplace and your professional regulator.

This guidance relies upon the expertise provided by stakeholders in the non-surgical cosmetic industry, bringing together the work of Government and international reputable authorities. We recognise the uncertainty that currently exists at this challenging time and reach out to you to encourage you to work as safely and responsibly as possible. We wish you to aim to return to work safely and to support you in minimising the risk of harm to both yourselves and your patients.

In the absence of definitive government and professional advice, these guidelines continue to be designed to provide you with a range of basic principles to achieve a standard of safety within the limits of current understanding. It is important to understand that this document is a guidance document, rather than presenting a 'standard' against which to benchmark and 'reset' your practice. As such we encourage practitioners and staff to continue to explore and to adopt government advice on how to practise lawfully, safely and responsibly. Therefore the guidelines presented in this document should not be regarded in isolation or as alternatives from other definitive advice offered by employers or by Government agencies to inform local decision making.

More specifically the JCCP has advised individual practitioners that 'It is not possible or appropriate for the JCCP to provide definitive guidance on when it is possible for aesthetic practitioners to return to work to provide elective non-medically related aesthetic treatments, although we affirm our position that this should not be until the Government authorises that it is safe to do so in each of the four countries of the United Kingdom. The JCCP also advises that it is important for practitioners to understand that cosmetic procedures being performed by healthcare professionals are not automatically designated as being either 'medical' or 'medically-related' in nature, in fact many such procedures fall out with this definition. Rather, there must be a clearly defined, discernible and intended 'medical' benefit for the patient. The JCCP is of the opinion that if the practitioner is able to determine that they have applied a full diagnostic physical and psychological/emotional assessment of the patient's presenting condition (and if they are of the opinion that both they and the patient consider that the treatment is actually urgent) and can justify that the provision of the proposed treatment would assist the patient to prevent and/or reduce the physical, psychological and psychosocial symptoms and effects associated with that condition, then the practitioner could justify that the treatment is 'medically related'.

We advise also that under such circumstances, practitioners would need to:

- have a written treatment plan in place to confirm the justification for their professional opinion, supported by a written evidence-based rationale for the assessment, diagnosis and proposed treatment (including a statement of intended 'medically related' outcomes). This is in accordance with expected best practice as set down by the Professional Statutory Regulatory Bodies (e.g. the GMC, GDC, NMC, HCPC and the GPhC);
- be able to justify that the treatment they propose to deliver is 'medically-related';
- ensure that the patient (and their associated treatment) has been risk assessed and deemed to be 'urgent' rather than either purely cosmetic or elective;



- ensure that they practise ethically at all times with the spirit and context of their professional 'Code of Practice';
- comply with guidance that has been published recently on how to practise safely during the Covid-19 related emergency period;
- **ensure that they are not seen to be encouraging people to leave their homes to attend clinics for face-to-face assessment or treatment (since members of the public should be conforming to lock down rules) unless they themselves consider that the treatment is urgent and have made an informed decision to attend the clinic;**
- confirm that their Insurer would still cover them during the lock down period for any aspect of their proposed function;
- have regard to relevant CQC registration and compliance requirements (depending upon nature of the 'medical procedure' to be performed).

It should also be noted that at no time has the JCCP compared professionally regulated healthcare professionals to any non-health care practitioner but we would take this opportunity to remind our colleagues that the JCCP Trustee Board members comprise professionals of all healthcare backgrounds, including experts within aesthetics and some remaining active within the health service in significant consultation and corporate governance and regulatory roles. The safety and wellbeing of the public is a fundamental principle that underpins the work of the JCCP and its Board members and remains our absolute priority. We understand that this is a difficult and challenging time for all persons working within the non-surgical aesthetic sector. We would emphasis however that any practitioner seeking to return to work to deliver aesthetic treatments should employ their own professional and ethical judgment and reflect on how appropriate it is at this time to encourage members the public to leave home for assessment and treatment that is elective and non-medically related and which is not considered to be urgent.

In summary therefore the JCCP is of the continued opinion that you can practise if you:

- **Are acting in your capacity as a regulated healthcare professional**
- **Place patient safety and public protection as your primary concern and do not invite members of the public/patients to attend for non-urgent treatments until it is safe to do so**
- **Perform an individual patient assessment and associated risk assessment which leads to a clinical determination (arrived at through the application of the Practitioner's clinical judgement) that confirms that the rationale for the provision of the procedure is medically related**
- **Undertake the treatment from clinical premises that meets the standards outlined in the original JCCP premises guidance and any further points in our 'Continued Preparation and Adaptation of Workplace and Practice During Covid-19' - <https://bit.ly/34TS109>**
- **Undertake the procedure in accordance with published JCCP guidance and ensure that appropriate patient safety precautions are in place**
- **Take into account the urgency of the requested intervention along with the implications of delaying or omitting to provide the same at this time.**
- **Ensure that you are insured for the procedure that you intend to perform**



- **Continue to practise safely and consistently with Government Test and Trace requirements.**

In these circumstances the JCCP would not consider these services to be elective or aesthetic ‘beauty-related services’ and will support its members in their decision to continue to practise at this time. This decision also accords with the advice received previously from professional statutory regulators.

The final decision whether to proceed to provide an aesthetic service at this time of ‘lockdown’ must be made by the Practitioner themselves, taking into account any restrictions on all but **essential services** and informed by the exercise of their **clinical judgement** following the provision of a **clinical risk assessment**, whilst mitigating the **conflicts of interest** between commercial and **ethical practice** and having thoroughly **reviewed the advice provided by Government** in its authorised statements.

The JCCP recognises that debate exists amongst the aesthetic community as to when to return to work and which procedures can currently be provided during the ‘lockdown’ period. **The JCCP will continue to work with central government and the devolved administrations to seek clarification in this area and will disseminate further advice following receipt of further update.**

Professor David Sines FRCN PhD CBE

Executive Chair

JCCP

3rd November, 2020

david.sines@jccp.org.uk