



County Hall, Mold. CH7 6NF

Guidance Notes for an Application for a special procedure licence under Part 4 of the Public Health (Wales) Act 2017

Note 1: Name of relevant issuing local authority

When applying for a special procedure licence—

- (a) if the applicant believes that the special procedure is likely to be carried out by the applicant in the area of one local authority only, an application is to be made to that local authority;
- (b) if the applicant believes that the special procedure is likely to be carried out by the applicant in the areas of different local authorities, an application is to be made to one of those local authorities.

Note 2: Eligibility for a basic disclosure certificate and/or an overseas criminal record certificate

An applicant must submit with this application form:

- (a) a basic disclosure certificate issued by the Disclosure and Barring Service, and/or
- (b) if applicable, an overseas criminal record certificate.

Any certificate must not be older than three months (from date of issue).

Where possible please provide an electronic copy of your basic disclosure certificate. In doing so you are providing permission to share the result electronically with the local authority you are applying to.

An applicant who is not eligible for a basic disclosure certificate must obtain an overseas criminal record certificate. The application process for criminal record checks for an applicant from overseas varies from country to country. An applicant may need to apply in the country or to the relevant embassy in the UK. Please see <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> for further guidance.

A basic disclosure certificate will not cover the time an applicant has lived outside of the UK. If an applicant is eligible for a basic disclosure certificate but has spent more than 6 months living outside of the UK, the applicant must submit an overseas criminal record certificate from the country / countries covering the period that the applicant spent living overseas.

Note 3: Performance of special procedures on an intimate body part

See section 96(2) of the Public Health (Wales) Act 2017 which sets out what an intimate body part is.

Note 4: Performance of other activities in the course of a business

An applicant may include details of other activities which the applicant performs in the course of a business but are not classed as special procedures. For example, activities such as beauty treatments, hairdressing, retail etc.

Note 5: Work status in respect of performing special procedures

Applicants are advised to consult the non-statutory guidance if they are unsure as to what “basis” they perform special procedures. For example, an applicant will be performing a special procedure on a “mobile basis” if the special procedure is performed in a vehicle. See also section 94 of the Public Health (Wales) Act 2017 for further information.

Note 6: Details of approved premises or vehicle

“Approved premises or vehicle” means premises or a vehicle approved under section 70(1) of the Public Health (Wales) Act 2017, in respect of a special procedure, by the local authority.

Applicants must—

- (a) in the case of a licence authorising the performance of a special procedure at premises, specify the address of each of the premises at which the performance of the special procedure is to be authorised by the special procedure licence;
- (b) in the case of a licence authorising the performance of a special procedure in a vehicle, specify the registration number of the vehicle;
- (c) in the case of a licence authorising the performance of a special procedure in a vehicle that does not have a registration number, whatever identifying details of the vehicle the local authority considers appropriate.

Note 7: Approval certificate number

The “approval certificate number” means the reference number given by the local authority to the approval certificate which is unique to that certificate and which is specified in it.

Note 8: Convictions for relevant offences

Applicants are required to disclose unspent convictions for relevant offences. What is considered as a relevant offence is set out in section 66 of the Public Health (Wales) Act 2017. A basic disclosure certificate will show an applicant’s unspent convictions and conditional cautions. Applicants should take independent legal advice if they are unsure whether or not they are required to disclose a conviction for a relevant offence. Applicants should be aware that a local authority may revoke a special procedure licence if false or misleading information is provided in relation to an applicant’s convictions for relevant offences (see section 68 of the Public Health (Wales) Act 2017).

Note 9: Licence number

The “licence number” means the number given by the local authority to the special procedure licence which is unique to that licence and which is specified in it.

Note 10: Providing relevant information to accompany application form

An applicant may give any information that they consider relevant to their application. For example this could be further information (including any mitigating factors) in relation to any unspent conviction for a relevant offence that the applicant has declared on this application form.

Note 11: Insurance cover

Applicants must make a declaration that they will obtain valid insurance cover in respect of the performance of special procedures and that requirement will form part of the mandatory licensing conditions that will be attached to the special procedure licence. Insurance cover means a valid policy of insurance which was issued by an authorised insurer to insure the applicant in respect of liabilities, in respect of illness, infection, injury and other non-infectious adverse health effects (including allergic reactions), arising from the performance of a special procedure.

Note 12: Non-compliance of mandatory licensing conditions

Applicants should be aware that a special procedure licence can be revoked if a local authority is satisfied that the licence holder has failed to comply with an applicable mandatory licensing condition, and that the non-compliance presents, or could present, significant risk of harm to human health. See section 68 of the Public Health (Wales) Act 2017 for further details.

Note 13: Payment of the application fee

Applicants are advised to contact the relevant issuing local authority for further information about the amount of the application fee that is due and how payment of the application fee is to be made. This information may be found on the local authority’s website.

Note 14: Submission of application

Applicants are advised to contact the relevant issuing local authority for further information about how an application for a special procedure licence is to be submitted. This information may be found on the local authority’s website.

Note 15: Evidence of regulated Level 2 Award

Applicants must hold a Level 2 Award in Infection Prevention and Control for Special Procedures Practitioners (an award that is regulated by Qualifications Wales). Applicants must provide evidence of this award by enclosing either the original certificate or a copy of the certificate. If a copy of the certificate is provided, the original certificate must be made available to the issuing local authority upon request.

Note 16: Identity documents

All applicants must provide proof of their full name and date of birth. The following forms of photographic identification are permitted:

- Valid passport or driving licence,
- If the applicant has neither of the above then the following photographic ID cards are considered suitable; a Biometric residence permit; HM Forces ID card; EEA National ID card; Irish Passport Card; Visa or Work permit.

Applicants may provide a copy of their identity documents to accompany the application form but the original proof of identity must be made available to the issuing local authority upon request.

Note 17: Recent colour photograph

All applicants must submit a recent colour photograph of themselves. The photograph must:

- be a UK passport style and size photograph,
- be taken on a light background so the applicant's features are distinguishable and contrast against the background,
- clearly show the applicant's face, who must have a neutral expression and not be wearing anything which covers their head or hair (other than for religious or medical reasons),
- be a true likeness of the applicant.