

# A COMPLIANCE GUIDE FOR COMPLEMENTARY AND ALTERNATIVE THERAPY BUSINESSES

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### Introduction

Complementary and alternative therapies are approaches to healthcare that lie outside conventional medicine but complement it. In most cases, there is little or no scientific evidence for their effectiveness. Complementary therapies usually emphasise a 'whole body' approach to wellbeing which, depending on the particular therapy, considers the integration between mind and body and mechanical, muscular, environmental and psychological factors in illness.

Complementary therapies vary considerably. Some are quite closely allied to conventional medicine and are regulated by their own professional bodies or organisations including the General Regulatory Council for Complementary Therapies (GRCCT), an independent voluntary regulator, and the Complementary and Natural Healthcare Council (CNHC), which is a national voluntary regulator for the sector. Other therapies are much more 'alternative' and are either self-regulating or unregulated. Regulatory bodies aim to protect the public by setting standards for the registration and training of therapists.

The therapies covered in this factsheet include acupuncture, Alexander Technique, aromatherapy, herbal medicine, homeopathy, hypnotherapy, massage therapy, reflexology, and reiki.

This factsheet provides an overview of the various statutory regulations that apply to the complementary and alternative therapy sector, and looks at the regulatory initiatives that have been implemented. It also reviews the mandatory training requirements for complementary and alternative therapy businesses, and includes hints and tips and sources of further information.

### Legal and practical issues affecting all complementary and alternative therapy businesses

Legal and practical issues that are relevant to all complementary and alternative therapies include:

#### Regulatory bodies

The main two voluntary regulatory bodies for the complementary sector are the GRCCT and the CNHC. Individual therapies also have their own professional associations that set standards for training and professional practice and conduct.

The GRCCT ([www.grcct.org](http://www.grcct.org)) undertakes the voluntary registration of therapists, endorses appropriate standards and codes of practice and provides a route for public complaints against practitioners. Members of some professional associations can register by supplying their membership numbers along with details of their qualifications and a registration fee of £30. Go to [www.grcct.org/association\\_list.htm](http://www.grcct.org/association_list.htm) for a list of associations that represent the therapies registered by the GRCCT. Practitioners who are not members of a professional association must provide statements of work experience and information on courses attended in order to be admitted to the register. Go to [www.grcct.org/register.htm](http://www.grcct.org/register.htm) for details of how to register with the GRCCT.

The CNHC ([www.cnhc.org.uk](http://www.cnhc.org.uk)) is the national voluntary regulator for complementary therapies. There are a number of routes to registration with the CNHC. The quickest route is to apply through one of the professional associations recognised by the CNHC as verifying

organisations; there is a full list at [www.cnhc.org.uk/assets/2-066.pdf](http://www.cnhc.org.uk/assets/2-066.pdf). Therapists must ask for a Request to Register form from their association and return it to them. The association will then assess their skills and knowledge against the criteria for joining the CNHC. If approved, the association will forward their details to the CNHC. Once the application is made, the CNHC will charge a registration fee of £45.

#### Local authority licences

Therapists may be required to obtain a Massage and Special Treatment Licence (MSL) from their local authority in order to operate. These licences confirm that therapists are qualified to offer treatments. The local authority charges a fee for granting an MSL licence.

Local authorities can refuse to grant licences if they believe the premises where therapies are carried out are not suitable or if the therapists giving the treatments are not suitably qualified. Licences are usually valid for one year. In the case of therapists renting out a room or space from another clinic, spa or salon, it is usually the responsibility of the proprietor of the premises to apply for an MSL licence and check the qualifications of any therapists working in the premises on a self-employed basis. However, requirements differ depending on the local authority area the business is located in.

#### Criminal Records Bureau (CRB) clearance

Therapists intending to work with children and young people under 18 years of age and/or vulnerable adults need Criminal Records Bureau clearance. Go to [www.homeoffice.gov.uk/agencies-public-bodies/crb](http://www.homeoffice.gov.uk/agencies-public-bodies/crb) for information. In Scotland similar checks are conducted by Disclosure Scotland ([www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)). In Northern Ireland the checks are carried out by Access Northern Ireland ([www.dojni.gov.uk/accessni](http://www.dojni.gov.uk/accessni)). Currently individuals cannot obtain checks on themselves but must apply through an umbrella organisation such as a trade association.

In Scotland a new scheme has been created under the Protection of Vulnerable Groups (Scotland) Act 2007. The Protecting Vulnerable Groups (PVG) scheme requires those working with children and vulnerable adults to be registered. Go to [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) for information.

See BIF 255, A Guide to Criminal Records Checks for further information.

#### Record keeping and data protection

Keeping up-to-date and accurate records of treatments, referrals and other aspects of patient care, such as dates of attendance, any advice given to the patient, and the patient's written consent to treatment, is essential for all therapists.

To comply with the Data Protection Act 1998, patient and treatment records should be stored securely, either manually or electronically, and must be kept for a minimum time period (most professional organisations recommend that this should be around seven or eight years), or if the patient is a child, until they reach the age of 25.

See BIF 3, A Guide to the Data Protection Act 1998 for further information.

## Advertising standards

Therapists advertising their services must ensure that any promotional material, including websites, or claims associated with their products or services comply with the Committee of Advertising Practice Code, which can be viewed at [www.cap.org.uk/The-Codes.aspx](http://www.cap.org.uk/The-Codes.aspx).

Medicines and Healthcare Products Regulatory Agency (MHRA) has also produced draft guidance on the advertising of herbal remedies, which can be found at [www.mhra.gov.uk/home/idcplg?IdcService=GET\\_FILE&dDocName=CON063043&RevisionSelectionMethod=Latest](http://www.mhra.gov.uk/home/idcplg?IdcService=GET_FILE&dDocName=CON063043&RevisionSelectionMethod=Latest), and on the advertising of homeopathic medicines, which can be viewed at [www.mhra.gov.uk/home/idcplg?IdcService=GET\\_FILE&dDocName=CON111499&RevisionSelectionMethod=Latest](http://www.mhra.gov.uk/home/idcplg?IdcService=GET_FILE&dDocName=CON111499&RevisionSelectionMethod=Latest).

## Tips and gratuities

Some customers leave tips for complementary therapists. Self-employed therapists must comply with the tax and National Minimum Wage (NMW) issues involved and check with HM Revenue & Customs (HMRC) to see if they need to declare tips given to them. Therapists must ensure that if tips are distributed to employees or apprentices via a tronc system, tax is deducted from staff pay under Pay as You Earn (PAYE). For information, see BIF 449, A Guide to Customer Tips, Service Charges and Troncs.

## Playing music

Therapists who play music in their premises must obtain licences from PRS for Music and the PPL. Go to [www.prsformusic.com/users/businessesandliveevents/musicforbusinesses](http://www.prsformusic.com/users/businessesandliveevents/musicforbusinesses) and [www.ppluk.com/en/Music-Users/Playing-Music-and-Videos-In-Public/Health--Beauty](http://www.ppluk.com/en/Music-Users/Playing-Music-and-Videos-In-Public/Health--Beauty) for details.

A therapist wishing to play music when working in other people's homes or in a rented room or clinic where the proprietor is not already covered by a music licence will need to apply for a Mobile Businesses and Limited Uses (ML) Licence. Go to [www.prsformusic.com/SiteCollectionDocuments/PPS%20Tariffs/ML-2010-11%20Tariff%20AWE.pdf](http://www.prsformusic.com/SiteCollectionDocuments/PPS%20Tariffs/ML-2010-11%20Tariff%20AWE.pdf) for information.

## Insurance

Complementary therapists need a number of insurance policies, including:

- Malpractice/professional indemnity insurance, which will cover the therapist against claims for negligence in the delivery and performance of the services offered. It will usually cover any legal costs incurred in the defence and settlement of any claim against the business. Some professional organisations require members to have minimum cover (for example £2.5 million).
- Public liability insurance, which covers against claims from clients or visitors to the premises who are injured or adversely affected as a result of the therapist's business activities.
- Employers' liability insurance, which covers a practice for claims made by employees for injury or illness suffered as a result of their duties. This insurance cover is mandatory as soon as the therapist employs someone.
- Contract dispute insurance, which will cover the therapist against claims arising from disputes with organisations or individual clients in relation to their contract with the therapist.
- Therapists running their business from home will need to check the terms of their home insurance policy and ensure that it is valid for business use.
- All vehicles used for business activities must be insured for a minimum of third-party liability and must include business use as part of the policy.
- Income protection and critical illness cover policies will provide an income if the therapist is unable to work due to injury or illness.

For further guidance on the range of policies available and their implications for the business, see BIF 6, An Introduction to Insurance Cover for Business.

## Individual therapies

Each individual therapy or profession is subject to slightly different regulatory procedures, licensing, training and qualifications, and codes of practice.

### Acupuncturists

There are currently no mandatory qualifications required to operate as an acupuncturist. To become a member of the British Acupuncture Council (BACc, [www.acupuncture.org.uk](http://www.acupuncture.org.uk)), acupuncturists must have completed a course accredited by the British Acupuncture Accreditation Board (BAAB, [www.baab.co.uk](http://www.baab.co.uk)). Applicants who have not completed an accredited course have to submit a written application and undergo an interview to demonstrate that they have reached the same levels of professional competence.

Most local authorities require acupuncturists and their premises to be licensed. Mobile acupuncturists must also apply for a licence. Depending on the location of the business, this will be a Health and Beauty Treatment licence or a Skin Piercing licence. Acupuncturists need to complete an application form at least 35 days before starting their business. The cost of the licence and the registration system vary from area to area, depending on local authority by-laws and procedures. Find contact details for local authorities at [www.direct.gov.uk](http://www.direct.gov.uk).

As acupuncture entails inserting fine needles into the skin of the patient, there is a risk that practitioners may come into contact with blood and other bodily fluids. To avoid cross-contamination between clients and lessen the risk of infectious diseases such as HIV and Hepatitis B, it is essential that all treatment surfaces and equipment are clean and sterile, and that disposable needles are used.

Some of the waste produced by an acupuncturist, such as needles and other items contaminated with blood or bodily fluids, is classed as clinical waste and must be disposed of safely and hygienically. Used needles and other sharps must be placed in a clearly marked sharps container that complies with British Standards, and other clinical waste must be placed in a clinical waste bag.

It is unlawful to dispose of clinical waste without a waste management licence. Sharps containers and clinical waste bags must be collected by a clinical waste management organisation that is licensed under the Environmental Protection Act 1990. Some local authorities have trade waste departments that can arrange for the collection of clinical waste. Practitioners can also contract licensed firms who provide this service.

### Alexander Technique practitioners

There is currently no legal requirement to undertake training to start a business as an Alexander Technique practitioner. However, to join one of the two professional associations, which are the Professional Association of Alexander Teachers (PAAT, [www.paat.org.uk](http://www.paat.org.uk)) and the Society of Teachers of the Alexander Technique (STAT, [www.stat.org.uk](http://www.stat.org.uk)), it will be necessary to complete a training course approved by them.

### Aromatherapists

There is currently no mandatory training required to practise as an aromatherapist in the UK. However, to be included in the CNHC's or GRCCT's voluntary registers, aromatherapists must have completed training that meets the National Occupational Standards for aromatherapy. These can be viewed at <https://tools.skillsforhealth.org.uk/competence/show/html/id/2801>.

Provided that they make no medical claims about them, aromatherapists can supply blended essential oils made up for individual clients without falling within the licensing requirements of the Medicines Act 1968. Go to [www.a-t-c.org.uk/pages/index.cfm?FuseAction=ShowPage&sec=6&page=230](http://www.a-t-c.org.uk/pages/index.cfm?FuseAction=ShowPage&sec=6&page=230) for information.

However, any blends the therapist makes up that are intended for use as cosmetics (such as body lotion or bath soak) must comply with the Cosmetic Products (Safety) Regulations 2008. The Regulations set out certain requirements for cosmetic product safety assessments and labelling. Find guidance on the Regulations at [www.bis.gov.uk/assets/biscore/consumer-issues/docs/guide-to-cpsr.pdf](http://www.bis.gov.uk/assets/biscore/consumer-issues/docs/guide-to-cpsr.pdf).

Products that are not for cosmetic use must comply with the General Product Safety Regulations 2005, under which products must be safe for use by consumers under normal or reasonably foreseeable conditions. Examples of these include essential oils that the therapist sells to clients.

## Herbalists

While there are no mandatory qualifications required to practise as a herbalist, the National Institute of Medical Herbalists (NIMH, [www.nimh.org.uk](http://www.nimh.org.uk)) requires its members to hold a BSc in Herbal Medicine from an accredited institution, and have at least 500 hours of clinical experience.

Under new EU legislation, herbal medicines now have to be licensed by the MHRA. This has had two major implications for herbalists:

- Herbalists will only be allowed to continue sourcing and supplying unlicensed herbal medicines if they join a statutory register. The register will be held by the Health Professions Council (HPC), and will open in 2012. Herbalists wishing to join the register will need to meet minimum standards of training, and adhere to HPC standards of practice. Go to [www.hpc-uk.org/aboutregistration/aspirantgroups/aspirantgroups](http://www.hpc-uk.org/aboutregistration/aspirantgroups/aspirantgroups) for more information.
- Herbalists will only be able to manufacture a herbal medicine and place it on the market for 'over-the-counter' sale if they have first obtained a licence for it from the MHRA. Go to [www.mhra.gov.uk/Howweregulate/Medicines/Herbalmedicinesregulation/index.htm](http://www.mhra.gov.uk/Howweregulate/Medicines/Herbalmedicinesregulation/index.htm) for more information on how the MHRA licenses herbal medicines.

Not all herbal remedies fall within the definition of herbal medicines, and can legally be sold as food or cosmetic products, depending on what they contain and what claims are made about them. The MHRA has more guidance on how to determine whether a product is a herbal medicine at [www.mhra.gov.uk/Howweregulate/Medicines/Doesmyproductneedallicence/Borderlineproducts/index.htm](http://www.mhra.gov.uk/Howweregulate/Medicines/Doesmyproductneedallicence/Borderlineproducts/index.htm).

In this case there are separate regulations that must be complied with relating to the manufacture and supply of food and cosmetics.

- Any herbal products intended for use as cosmetics must comply with the Cosmetic Products (Safety) Regulations 2008. The Regulations set out certain requirements for cosmetic product safety assessments and labelling. Find guidance on the Regulations at [www.bis.gov.uk/assets/biscore/consumer-issues/docs/guide-to-cpsr.pdf](http://www.bis.gov.uk/assets/biscore/consumer-issues/docs/guide-to-cpsr.pdf).
- Herbalists who prepare or sell food products are required to register with the environmental health department of their local authority before they commence trading. Herbalists should check specific requirements with their local authority. Go to [www.food.gov.uk/enforcement/sectorrules/herbal](http://www.food.gov.uk/enforcement/sectorrules/herbal) for information.

## Homeopaths

There is currently no legal requirement to have qualifications to operate as a homeopath in the UK. However, the Society of Homeopaths (SoH, [www.homeopathy-soh.org](http://www.homeopathy-soh.org)), the largest registration organisation representing homeopaths across Europe, operates a register of homeopaths ([www.homeopathy-soh.org/for-homeopaths/registration.aspx](http://www.homeopathy-soh.org/for-homeopaths/registration.aspx)). To join the register, a homeopath must have completed a course recognised by the SoH that conforms to NOS in homeopathy, abide by professional standards and maintain a level of professional development.

Homeopaths require a non-orthodox practitioner (NOP) licence from the Medicines and Healthcare Regulatory Agency in order to mix, assemble and supply homeopathic medicines. The licence applies to medicines that may be lawfully supplied outside a pharmacy and which have been mixed at the request of the patient in person. Go to [www.mhra.gov.uk/home/groups/comms-ic/documents/publication/con007546.pdf](http://www.mhra.gov.uk/home/groups/comms-ic/documents/publication/con007546.pdf) for further information.

## Hypnotherapists

There are no mandatory qualifications required to operate as a hypnotherapist, although the various professional associations for hypnotherapy require prospective members to have undergone accredited training. These organisations include the General Hypnotherapy Standards Council (GHSC, [www.ghsc.co.uk](http://www.ghsc.co.uk)), the Hypnotherapy Society ([www.hypnotherapysociety.com](http://www.hypnotherapysociety.com)), and the National Council for Hypnotherapy (NCH, [www.hypnotherapists.org](http://www.hypnotherapists.org)). Hypnotherapists often have a background in counselling or psychotherapy, although many enter the profession from a wide variety of other careers.

There is also no statutory regulation for hypnotherapy. The Working Group for Hypnotherapy Regulation (WGHR, [www.hypnotherapyregulation.co.uk](http://www.hypnotherapyregulation.co.uk)) has developed a system of voluntary self-regulation under which hypnotherapists can register with the CNHC.

## Massage therapists

The General Council for Massage Therapies (GCMT, [www.gcmt.org.uk](http://www.gcmt.org.uk)) is the governing body for massage therapies in the UK. Massage therapists can also register with the CNHC and can join a number of professional associations including, for example, the National Association of Massage and Manipulative Therapists (NAMMT, [www.nammt.co.uk](http://www.nammt.co.uk)). Members of NAMMT are required to have completed a Diploma in Massage Therapy and adhere to its Code of Ethics.

## Reflexologists

At present no mandatory qualifications are necessary to practise as a reflexologist in the UK. However, reflexologists who want to join a professional association such as the Association of Reflexologists (AOR, [www.aor.org.uk](http://www.aor.org.uk)) will need to have completed a course that has been accredited by the AOR or must satisfy the association that their level of training and skills meets the association's standards.

## Reiki practitioners

There is no legal requirement to undertake training to become a reiki practitioner. However, to join one of the voluntary regulatory bodies, or a professional association such as the UK Reiki Federation (UKRF, [www.reikifed.co.uk](http://www.reikifed.co.uk)), practitioners must prove they have completed approved reiki training.

## Hints and tips

- Advice from an independent insurance broker who specialises in business insurance or professional insurance will help ensure that the business has appropriate insurance cover. To find an insurance broker contact the British Insurance Brokers' Association (BIBA, [www.biba.org.uk](http://www.biba.org.uk)).
- The NHS publishes a directory of complementary therapists. Go to [www.nhsdirectory.org](http://www.nhsdirectory.org) for details.

## Further information

For practical start up and small business tips, ideas, know-how and news, go to:  
Website: [www.enterprisequest.com](http://www.enterprisequest.com)

To access hundreds of practical factsheets, market reports and small business guides, go to:  
Website: [www.scavenger.net](http://www.scavenger.net)

BIF 2 An Introduction to Health and Safety Regulations  
BIF 3 A Guide to the Data Protection Act 1998  
BIF 6 An Introduction to Insurance Cover for Business  
BIF 255 A Guide to Criminal Records Checks  
BIF 449 A Guide to Customer Tips, Service Charges and Troncs

#### Useful contacts

The Complementary and Natural Healthcare Council (CHNC) is a voluntary regulator for complementary therapists.

Tel: (020) 3178 2199

Website: [www.cnhc.org.uk](http://www.cnhc.org.uk)

The General Regulatory Council for Complementary Therapies (GRCCT) regulates and registers complementary therapists.

Tel: 0870 314 4031

Website: [www.grcct.org](http://www.grcct.org)

**CONTACT-**

**for further information.**

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9 Bankside, The Watermark,  
Gateshead, NE11 9SY, Tel: 0191 461 8000