

We have now had the opportunity to review the draft Public Health England legislation due for debate and voting in parliament; “The Health Protection (Coronavirus, Restrictions) (England) (No.4) Regulations 2020”. This draft was made available at 2:45pm on the 3rd November and laid before parliament at 4.10pm on the 3rd of November and due to come into force sometime on the 5th November 2020. This legislation is still open to parliamentary debate and change before a final vote in parliament to enact the legislation.

This legislation is drafted in six sections and covers the four-week lockdown period starting from the 5th November 2020. These Regulations impose restrictions on the occasions on which a person can leave or be outside of the place where they are living and on gatherings. They also require the closure of a number of businesses and impose restrictions on businesses.

These sections refer to within the legislation itself:

1. Introduction
2. Restrictions on movement
3. Restrictions on gatherings
4. Closure of, and restrictions on, businesses
5. Enforcement
6. Final Provisions

There is also a Schedule where further specific details of businesses subject to restrictions or closure or permitted to remain open are outlined. It further indicates the restrictions of movement of specific persons during this time period within England, it does not cover Wales, Northern Ireland or Scotland who have separate devolved governments.

No one can leave their home without a reasonable excuse; this means patients as well as us, but there is an exception for people supplying or seeking services permitted under section 3 of the schedule. The relevant clause in section 3 is clause 47:

“47. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.”

The SMA have recently managed to add Sports Massage Therapy and Sports Therapy to the Therapy Professionals category on the register for classification of industries along with physiotherapists. However, the categories are based upon level of education and in order to be considered a “professional occupation”, a degree or equivalent is necessary. This means that only therapists with a level 4 or 5 qualification (which is degree equivalent) fall into this category. Level 3 qualifications unfortunately remain in the same category as previous because of the education level which also does not contain input on pathological tissue and treatment of medical issues.

Now we need to interpret under which conditions Healthcare Professionals can still operate during lockdown. The legislation is drafted to include and exclude specific business locations.

Business locations **that must close** include places where some members may be operating from, irrespective of whether you are a healthcare professional the following locations cannot open for business, these are:

- 14. Spas.
- 15. Nail, beauty salons, hair salons and barbers.
- 16. Tanning salons.
- 17. Massage parlours.
- 22. The following indoor facilities: dance studios, fitness studios, gyms, sports courts, swimming pools, bowling alleys, amusement arcades, playgrounds or soft play areas or other indoor leisure centres or facilities, including indoor games, recreation and entertainment venues.
- 24. Outdoor sports centres or amenities, including water sports, stables, shooting and archery venues, golf courses, driving ranges, outdoor gyms, outdoor swimming pools, water parks and aquaparks.

SUMMARY VIEW OF THE SMA

You may continue to work during the lockdown period as an SMA member **if** you can comply with all the following:

1. An SMA Member with a level 4 or 5 sports massage qualification or sports therapy degree
2. There is a genuine healthcare need for the treatment to be done – we will be adding a document to the Covid Resource Pack for you to be able to pre-screen your clients so that you can justify the need for treatment to ascertain **necessity**.
3. A virtual consultation must take place prior to treatment in order to gain clinical information to justify the treatment taking place. The treatment time must be kept to a minimum.
4. Your place of work can be classified as a place of healthcare services, eg. within another permitted healthcare professional's premises; e.g. physiotherapist, osteopath, chiropractor, etc. You may work from a home treatment room, **but** only if clients can access your facility without entering your living accommodation. You may not work from premises that can be entered through a business listed as required to close (e.g. within a gym). Mobile therapists will not be able to visit client's homes to carry out treatment.
5. You have documented and recorded all the required criteria to ensure the safety and health of your clients
6. You are following the SMA PPE requirements

If you cannot satisfy all the above criteria, those parts of your business that cannot comply with have to close for the four week period.