



Important update to test and trace support requirements for consultations in herbal practice

New guidance from the English Government about supporting the NHS Test and Trace service

Issued 21st September 2020

Recent updates to the guidance produced by the English Government relating to working safely during coronavirus (COVID-19) for close contact services state that from **18th September** it is now a **legal requirement** for certain venues to collect and record contact details of visitors to their premises to support the NHS Test and Trace service. This update also states that from **24th September** these venues must also display an official coronavirus QR code for the same purpose.

Venues included in these regulations include those relating to wellbeing or holistic care. It appears that this requirement is currently only stipulated in England and does not apply to services in Wales, Scotland or Northern Ireland at present.

Herbal practitioners are already requested to obtain and keep details of the names and contact details of their patients, together with an appointment booking record of their visit. This information should include name, contact telephone number, the date of their appointment, arrival time and approximate departure time if possible. An electronic or paper based appointment system as already operated by most herbal practitioners is a satisfactory means of providing this information to support NHS Test and Trace, and would therefore comply with the new legal requirements.

Your legal obligation to collect patient data for this purpose may also have implications for the General Data Protection Regulations (GDPR) and should therefore be included in your GDPR privacy policy, which may need to be updated accordingly, and made available on your website or displayed in your premises. A suitable template that you may wish to use

when updating your privacy policy is contained in one of the links included at the end of this document.

Despite having a manual system in place to gather and record patient information, it is still stipulated in the updated guidelines that all venues providing close contact services **must** now also display an official NHS QR code poster so that patients may scan the code to their smartphone on arrival. This is said to be intended to provide **visitors who do not wish to give their contact details** a means of registering their visit to premises by scanning the code directly onto a smartphone running the NHS COVID-19 app.

The new guidance states that this QR code should be created using an online service and **must** be printed or displayed electronically and shown at the entrance to your premises if you are offering close contact services.

To generate this code online you are required to give:

- your business email
- your business postal address

If you work from more than one location, you are required to create a QR code and provide a contact phone number for each venue. A link to create your official NHS coronavirus QR code is given at the end of this document.

The QR code is intended as an alternative to the records kept by the practitioner, so whilst you are legally required to display one, your patients do not need to scan the code unless they do not wish to provide the required details directly to you.

This information has been issued at very short notice, appears somewhat confusing or incomplete in places and gives no specific guidance for herbal practitioners or similar CAM professionals. We have already discussed many of the issues raised by this updated guidance with colleagues in other professional associations, and have also requested some additional advice and clarification from government.

Please note that collection of contact details and maintaining the records of your patients for NHS Test and Trace is now a legal requirement, and failure to comply is punishable by a fixed penalty fine of £1000, rising in stages to £4000 with repeated penalty notices. These regulations also state that you **must** display an official NHS QR poster at the entrance to your premises from **24th September** onwards if you are providing close contact services.

Until we are able to obtain more detailed information about some of these issues, the Institute, in line with colleagues from other herbal registers, recommends that all members who are presently undertaking face-to-

face consultations should make themselves familiar with the detailed guidance available that relates to supporting NHS Track and Trace, and act accordingly to avoid any risk of incurring a fixed penalty fine.

This guidance currently outlines that you must;

- ask at least one member of every party of visitors (up to 6 people) to provide their name and contact details
- keep a record of all staff working on their premises and shift times on a given day and their contact details
- keep these records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested
- display an official NHS QR code poster from 24 September 2020, so that customers and visitors can 'check in' using this option as an alternative to providing their contact details
- adhere to General Data Protection Regulations

Once the situation is clearer we will issue further information.

Council for the National Institute of Medical Herbalists

Here are some resources to help you to learn more about this.

Working safely during coronavirus (COVID-19) – Close contact services
<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/close-contact-services>

Maintaining records of staff, customers and visitors to support NHS Test and Trace

Annex B of this document contains a template GDPR privacy notice
<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace#sectors-that-this-guidance-applies-to>

Create a coronavirus QR code for your venue

<https://www.gov.uk/create-coronavirus-qr-poster>

NHS COVID-19 smartphone app

<https://covid19.nhs.uk/index.html>

Guidance on COVID-19 safety at work in Wales

<https://gov.wales/keep-wales-safe-work>

Guidance on COVID-19 safety at work in Scotland

<https://www.gov.scot/publications/coronavirus-covid-19-retail-sector-guidance/pages/close-contact-services/>

Guidance on COVID-19 safety at work in Northern Ireland

<https://www.nibusinessinfo.co.uk/content/coronavirus-working-safely-different-business-settings>