

## Statement from David Balen

Our policies are presently silent on whether you can treat or not - so you are covered however, Criminal Acts exclusion applies.

If you are level 4 and above qualified, you are probably included in definition in item 47, section 4 in the government legal guidelines for lockdown on their website, as “health services/mental health services”.

<https://www.legislation.gov.uk/ukxi/2020/1200/made>

However, it's important to note that treatments have to be for a medical reason- e.g. pain inability to function well etc., and your patient notes should show the line of reasoning as to why treatment proceeded.

Ultimately, we cannot tell you what to do, and it's your interpretation individually plus input from your professional organisation which must come into the equation, however you must be able to justify and have an audit trail of the decision.

Whether it would be deemed a criminal act is not clear cut, so insurers may not necessarily dismiss out of hand.

“Massage parlour” means a public place and is not considered a health establishment whereas Massage Therapist is different.

The Public Spaces rule means that more than two gathering is not allowed therefore home visits do not appear to be covered, nor a home treatment room, unless therapy room has separate access not through the home. However there is an exception for this under the rules so that may not be a problem- in the [The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 4\) Regulations 2020](#) it references in 8 (2) and here are exceptions set out in regulation 11.

Regulation 11: “(3) Exception 2 is that the gathering is reasonably necessary— (a) for work purposes or for the provision of voluntary or charitable services;” – together with both legalisation, mobile working for health reasons is permissible.

To summarise, we have no restrictions on you practising, it is your choice based on the information provided by the governments and interpreted by others. We do not however, include or exclude anyone other than committing a criminal act, proving which maybe quite difficult for an insurer or breaching policy conditions.

Other than the insurance-relevant bits, the rest is my personal interpretation and not a green light to practice! Although the principles of our insurance are consistent, the risk management and thoughts below may not apply to other forms of practice or situation so individual choices must be made in the light of the relevant law and guidance.

David Balen