



National Assembly for Wales / Cynulliad Cenedlaethol Cymru
[Health and Social Care Committee / Y Pwyllgor Iechyd a Gofal Cymdeithasol](#)

[Public Health \(Wales\) Bill / Bil Iechyd y Cyhoedd \(Cymru\)](#)

Evidence from the Royal College of Nursing – PHB 35 / Tystiolaeth gan Goleg Nyrsio Brenhinol – PHB 35

**Consultation on the Public Health (Wales) Bill
Response of the Royal College of Nursing Wales**

ABOUT THE ROYAL COLLEGE OF NURSING (RCN)

The RCN is the world's largest professional union of nurses, representing over 400,000 nurses, midwives, health visitors and nursing students, including over 24,000 members in Wales. The majority of RCN members work in the NHS with around a quarter working in the independent sector. The RCN works locally, nationally and internationally to promote standards of care and the interests of patients and nurses, and of nursing as a profession. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland. The RCN is a major contributor to nursing practice, standards of care, and public policy as it affects health and nursing.

The RCN represents nurses and nursing, promotes excellence in practice and shapes health policies.

Part 2: Tobacco and Nicotine Products

Do you agree that the use of e-cigarettes should be banned in enclosed public and work places in Wales, as is currently the case for smoking tobacco?

The Royal College of Nursing (RCN) Wales has no public position on this matter.

There is clear evidence that the use of e-cigarettes can, with appropriate guidance and support, assist people to stop smoking.

It is possible that that applying the same restrictions on public use to e-cigarettes will assist people to stop smoking by reinforcing the anti-smoking message, however the evidence at present is mixed.

What are your views on extending restrictions on smoking and ecigarettes to some non-enclosed spaces (examples might include hospital grounds and children’s playgrounds)?

RCN Wales is cautiously in favour of extending the ban on smoking to some non-enclosed spaces. This would assist in de-normalising smoking and would also reduce the risk for some vulnerable groups (e.g. children in a playground).

However thought is needed on the consequences of extending the ban to each specific place. For example residential health facilities need careful consideration as they are in effect people’s homes.

The Royal College of Nursing (RCN) Wales has no view on the question of whether the use of e-cigarettes should be banned in the same manner.

Do you believe the provisions in the Bill will achieve a balance between the potential benefits to smokers wishing to quit with any potential disbenefits related to the use of e-cigarettes?

The Royal College of Nursing (RCN) Wales has no public position on this matter.

Do you have any views on whether the use of e-cigarettes renormalizes smoking behaviours in smoke-free areas, and whether, given their appearance in replicating cigarettes, inadvertently promote smoking?

The Royal College of Nursing (RCN) Wales has no view on this matter.

Do you have any views on whether e-cigarettes are particularly appealing to young people and could lead to a greater uptake of their use among this age group, and which may ultimately lead to smoking tobacco products?

The Royal College of Nursing believes this is a concern and supports stronger controls over advertising, packaging, marketing and display of these products to reduce the risk that these products are used to reintroduce brand names and promote smoking as a habit.

The Royal College of Nursing is concerned that e-cigarettes are appealing to young people and this is the result of deliberate marketing. We are especially concerned at the fruit or sweet flavours being advertised or offers that incentivise ‘trying’ at low cost.

Do you have any views on whether restricting the use of e-cigarettes in current smoke-free areas will aid managers of premises to enforce the current non-smoking regime?

No

Do you have any views on the level of fines to be imposed on a person guilty of offences listed under this Part?

No

Do you agree with the proposal to establish a national register of retailers of tobacco and nicotine products?

Yes

Do you believe the establishment of a register will help protect under 18s from accessing tobacco and nicotine products?

Yes

Do you believe a strengthened Restricted Premises Order regime, with a national register, will aid local authorities in enforcing tobacco and nicotine offences?

Yes

What are your views on creating a new offence for knowingly handing over tobacco and nicotine products to a person under 18, which is the legal age of sale in Wales?

The Royal College of Nursing is strongly supportive of this measure which is a sensible approach codifying what undoubtedly members of the public would believe is the current law.

Do you believe the proposals relating to tobacco and nicotine products contained in the Bill will contribute to improving public health in Wales?

Yes, with the exception of the first matter on which we hold no view.

Part 3: Special Procedures

What are your views on creating a compulsory, national licensing system for practitioners of specified special procedures in Wales, and that the premises or vehicle from which the practitioners operate must be approved?

The Royal College of Nursing supports the creation of this system. It is possible the Bill could go further and specify criteria of competency/a suitable level of knowledge and skill required to obtain such a licence.

Do you agree with the types of special procedures defined in the Bill?

Yes. However the RCN would advocate a standing group of stakeholders that could be regularly convened (e.g. annually) to provide advice to the Welsh Government on amending this list of special procedures. This is a professional area where practices change swiftly as technology and public awareness change. As a professional organisation with members practising in the field of aesthetic procedures we would expect to be consulted on this.

What are your views on the provision which gives Welsh Ministers the power to amend the list of special procedures through secondary legislation?

The RCN would advocate a standing group of stakeholders that could regularly be convened (e.g. annually) to provide advice to the Welsh Government on amending this list of special procedures. This is a professional area where practices change swiftly as technology and public awareness change. As a professional organisation with members practising in the field of aesthetic procedures we would expect to be consulted on this.

The Bill includes a list of specific professions that are exempt from needing a licence to practice special procedures. Do you have any views on the list?

The list seems appropriate.

Do you have any views on whether enforcing the licensing system would result in any particular difficulties for local authorities?

No

Do you believe the proposals relating to special procedures contained in the Bill will contribute to improving public health in Wales?

Yes. The public should have assurance that the persons carrying out these procedures are doing so in an appropriate manner.

Part 4: Intimate Piercing

Do you believe an age restriction is required for intimate body piercing? What are your views on prohibiting the intimate piercing of anyone under the age of 16 in Wales?

The RCN is supportive of this provision.

Do you agree with the list of intimate body parts defined in the Bill?

Yes. Tongue piercing could also be considered as an intimate body part. Certainly there is an increased risk of harm with piercing the tongue.

Do you have any views on the proposals to place a duty on local authorities to enforce the provisions, and to provide local authorities with the power to enter premises, as set out in the Bill?

No

Do you believe the proposals relating to intimate piercing contained in the Bill will contribute to improving public health in Wales?

Yes. There needs to be strict governance around the prevention of infection for procedures that pierce or infiltrate the skin.

Part 5: Pharmaceutical Services

Do you believe the proposals in the Bill will achieve the aim of improving the planning and delivery of pharmaceutical services in Wales?

Yes

What are your views on whether the proposals will encourage existing pharmacies to adapt and expand their services in response to local needs?

We hope this will be the case.

Do you believe the proposals relating to pharmaceutical services in the Bill will contribute to improving public health in Wales?

Yes

Part 6: Provision of Toilets

What are your views on the proposal that each local authority in Wales will be under a duty to prepare and publish a local toilets strategy for its area?

This could be beneficial. Certainly a published map of the local area with toilets clearly identified (with opening times) would be invaluable for the local and tourist community. A strategy could set out how these would be maintained and hopefully expanded. Without a published strategy there is a real danger that the significance of public toilets will not be considered and they will closed down piecemeal without any consideration of the impact.

Do you believe that preparing a local toilet strategy will ultimately lead to improved provision of public toilets?

It will certainly help to ensure that the provision is maintained. It would be helpful for the Committee to consider whether a duty on local authorities to maintain the current level of provision or ensure a minimum level of provision could be possible.

RCN Wales is aware that local authorities are currently suffering from financial cutbacks which are likely to increase. However the provision of public toilets is hugely beneficial to public wellbeing as it enables social mobility and helps to prevent isolation for much of the public.

Do you believe the provision in the Bill to ensure appropriate engagement with communities is sufficient to guarantee the views of local people are taken into account in the development of local toilet strategies?

There is a need to ensure that legislation is not overly detailed if the detail can be set out in national guidance.

Paragraph 198 of the explanatory memorandum states that the local authority must consult with those it considers likely to be interested and paragraph 197 suggests that the Welsh Government could include suggested consultees in national guidance. This does seem sufficient as of course particular organisations may change over time. However perhaps

broad groups could be considered for inclusion such as parents, women, disabled people and older people etc.

Do you have any views on whether the Welsh Ministers' ability to issue guidance on the development of strategies would lead to a more consistent approach across local authorities?

National guidance underpinning this legislation would be a support to both local authorities and interested stakeholders. For example average maintenance costs, details of good schemes that could be adopted locally etc.

What are your views on considering toilet facilities within settings in receipt of public funding when developing local strategies?

It seems very sensible to consider this.

Do you believe including changing facilities for babies and for disabled people within the term 'toilets' is sufficient to ensure that the needs of all groups are taken into account in the development of local toilet strategies?

It certainly needs to be very explicit, both in the legislation and in any accompanying guidance that changing facilities are including as a provision. For Bill drafting purposes we can understand why 'toilets' as a phrase is attractive as a shorthand way of expressing 'toilets and changing facilities'.

However changing facilities are vital. Our community nurses report that families of children and young people with disabilities are disadvantaged by the lack of such a basic provision. This is damaging to attempts to build a sense of equality and inclusion. Children and young people in this situation often have to limit trips, return home early or in times of great need, be subjected to the use of a toilet floor which does not provide dignity and respect.

Do you believe the proposals relating to toilet provision in the Bill will contribute to improving public health in Wales?

Yes

Finance questions

The Royal College of Nursing has no view on the questions contained within this section.

Delegated powers

The Royal College of Nursing has no view on the questions contained within this section.

Other comments

Are there any other comments you wish to make about specific sections of the Bill?

We would support the suggestions found in the Equality Impact Assessment on the Welsh language (paragraph 861 p.252). The planning arrangements for assessing the need for pharmaceutical services should include services provided in the Welsh language.

In addition the administrative arrangements for licensing special procedures could if they were to be considered for publication easily contain in addition other factors that might be of interest or importance to the public e.g. facilities that are accessible for the mobility impaired or Welsh language spoken.

Do you believe that the issues included in this Bill reflect the priorities for improving public health in Wales?

Improving Public Health in Wales is the single biggest challenge facing the Welsh Government.

Increasing physical activity, reducing drug and alcohol misuse, and improving sexual health services are public health priorities our members in Wales have identified as significant.

However public health is a wide topic. The provision of public toilets and licensing special procedures are also important areas of concern and our members have responded very positively to these proposals.

Are there any other areas of public health which you believe require legislation to help improve the health of people in Wales?

The Royal College of Nursing has welcomed the publication of a green paper outlining a second Public Health Bill focusing on alcohol misuse. We believe legislative action is required to tackle this issue and we are very supportive of these proposals.