



COSMETIC SURGERY:

knowing your rights if something goes wrong

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introduction

There is a great deal of confusion that surrounds the aesthetic industry and what procedures within it are subject to regulation. As the popularity of cosmetic procedures continues to rise, so too do the number of complaints and the volume of incidents involving risky practices and untrained or inexperienced practitioners.

The industry has struggled to adapt quickly enough in order to respond to the increasing demand for invasive and non-invasive procedures. Fortunately, following the publication of the “Review of the Regulation of Cosmetic Interventions” [report](#) in 2013, there have been signs of change, with both the General Medical Council (GMC) and the Royal College of Surgeons (RCS) issuing new standards and guidelines to doctors in 2016 to better safeguard patients.

Many of the recommendations from the independent report have been taken up by the industry, however, the trickle-down effect of implementing change is slow, and many patients are still left unclear, or unaware, as to their legal standing.

To help explain, in this report we will:

- Break down the current guidelines for cosmetic surgery
- Explain what is, and what is not, regulated within the industry
- Decipher what regulation means for patients
- Lay out what the legal recourse is for when a cosmetic procedure goes wrong
- Offer guidance on how to safely choose a cosmetic practitioner



REGULATION

regulation

What does regulation mean in a practical sense?

- Regulation means that there are organisational bodies who govern the industry, ensuring that practitioners, clinics and hospitals adhere to a prescribed set of guidelines and conduct.
- If a practitioner is found to have breached these standards, then the regulatory organisation has the power to implement sanctions, such as issuing a fine or revoking membership of the organisation. For example, a doctor found in breach of the GMC's standards may have his or her membership erased from the GMC's medical register.
- For the patient, knowing that a practitioner belongs to a reputable regulatory body means they will be able to make better choices in selecting a surgeon who is qualified, experienced and trustworthy.

Which cosmetic procedures are regulated?

- Invasive, or surgical, cosmetic procedures that involve instruments or equipment being inserted into the body are regulated.
- These procedures include breast surgery, liposuction, rhinoplasty (nose reshaping), abdominoplasty (tummy tuck), brow lift, eyelid surgery, labiaplasty, rhytidectomy (facelift), refractive eye surgery and lens implant surgery.

Which cosmetic procedures are not regulated?

- Non-surgical (non-invasive) cosmetic procedures are not currently regulated.
- These include procedures such as dermal fillers, Botox injections, facial peels, lip implants and fillers, chemical peels, laser hair removal and laser vein removal.



COSMETIC SURGERY

cosmetic surgery

What are the regulatory bodies involved with cosmetic surgery?

There are a number of bodies who regulate cosmetic surgeries.

The main organisations include the [General Medical Council](#), the [Royal College of Surgeons](#), the [Care Quality Commission](#) and the [British Association of Aesthetic Plastic Surgeons](#).

GENERAL MEDICAL COUNCIL:

- Doctors who were not already practising in the aesthetic sector prior to April 2002 must be on the GMC's [specialist register](#) of plastic surgeons. The GMC also issued, in 2016, official guidance for all doctors who offer cosmetic interventions, which can be viewed online [here](#). These guidelines were drawn up to improve patient safety by offering a set of standards all cosmetic practitioners must adhere to.

ROYAL COLLEGE OF SURGEONS:

The RCS has developed a set of professional [standards](#) for cosmetic surgery for surgeons, and it will soon roll out its cosmetic surgery certification [scheme](#). This certification will provide

recognition to surgeons who have the appropriate training, qualifications and experience to perform cosmetic surgery. Prospective patients will be able to use the scheme to search for certified doctors.

CARE QUALITY COMMISSION:

- The CQC is the independent regulator of all health and social care services in England. By law, services that offer surgical cosmetic procedures have to be registered with the CQC, including private healthcare providers. They monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety.

BRITISH ASSOCIATION OF AESTHETIC PLASTIC SURGEONS:

- Membership of BAAPS is available only to qualified surgeons (who are also on the GMC's specialist register), and is dedicated to educating the public about cosmetic surgery, including the risks.

If something goes wrong with my cosmetic surgery, will these regulatory bodies be able to help?

- If something has gone wrong, your first steps should be to make a complaint to the hospital or clinic where you had your procedure as they may be able to resolve your complaint. The surgeon who performed your procedure, and the hospital where the procedure took place, should be open and honest with you if something does not go according to plan – as can happen with any surgical procedure.
- If the matter is not settled to your satisfaction, and it relates to the surgeon who performed the procedure, contact the General Medical Council (GMC).
- If your complaint is to do with the hospital, the [Independent Healthcare Sector Complaints Adjudication Service \(ISCAS\)](#) may be able to help you if the hospital you had your surgery at is registered with ISCAS.
- Although the Care Quality Commission (CQC) does not investigate complaints from individuals, if you had surgery in England, and have a concern about the service you received, you can share it with the CQC. This information can help the CQC to better monitor services and plan their inspections, enabling them to protect others from going through the same experience.

How can I find out about a reputable surgical cosmetic practitioner?

- For guidance on finding a safe cosmetic surgeon, visit our online checklist [here](#).



non-surgical cosmetic procedures

What are the regulatory bodies involved with non-surgical cosmetic procedures?

- Non-invasive cosmetic procedures can be conducted by anyone, regardless of their training or experience. There are no regulatory bodies for non-surgical cosmetic providers, unless the procedure is being carried out by a nurse, dentist, doctor or pharmacist.
- In which case, patients can expect nurses to be regulated by the Nursing and Midwifery Council ([NMC](#)), dentists by the General Dental Council ([GDC](#)) and pharmacists by General Pharmaceutical Council ([GPhC](#)). Doctors will be covered by the regulatory bodies listed in the previous section.
- In addition, laser and implant based refractive eye surgeries are regulated by the Royal College of Ophthalmologists ([RCOphth](#)).



NON-SURGICAL COSMETIC PROCEDURES

If a non-regulated cosmetic procedure goes wrong - what are my rights as a patient and consumer?

If your procedure has gone wrong, your rights are as follows:

- In the first instance you should complain to the procedure provider who may be able to resolve your issue.
- Under Section 75 of the Consumer Credit Act, you may be able to get a refund if you feel the service you paid for was misrepresented from the outset, provided you paid using your credit card for a procedure costing between £100 and £30,000.

However, this does not apply if you are simply unhappy with the end result. You can find out how to make a Section 75 claim [here](#).

- If your procedure was carried out by an accredited nurse, dentist, pharmacist or doctor, you should contact their regulatory body with your complaint.
- You may be able to report the practitioner or provider to your local Trading Standards through Citizens Advice. Find out how [here](#).
- Finally, you could undertake legal action by consulting with a solicitor who specialises in negligence of this kind. They will be able to advise whether or not you have a case, and seek compensation on your behalf.



Where can I complain about a non-surgical cosmetic practitioner?

- Currently, there is no formal body or industry ombudsman to complain to, and there is no register for rogue practitioners to be struck off from.

How can I find out about reputable non-surgical cosmetic practitioners?

There are several ways in which to seek out a safe and qualified non-invasive cosmetic practitioner:

- You can find a nurse who is registered with the [British Association of Cosmetic Nurses](#), whose members have to abide by a code of conduct.
- You can find a specialist doctor who is registered with the GMC by checking its Specialist Register, or by visiting the [British College of Aesthetic Medicine](#), or the Royal College of Surgeons.
- [Save Face](#) is an organisation that provides information about non-surgical procedures and sets standards that practitioners have to abide by. Their register of non-surgical cosmetic practitioners is accredited by the Professional Standards Authority and is recognised by the government, the Department of Health, NHS England and the Care Quality Commission.





THE FUTURE

the future

The landscape of cosmetic procedures is slowly changing, with calls from industry bodies and consumers alike for greater regulation of practitioners and greater transparency from those offering surgical and non-surgical procedures.

Yet until the law catches up, consumers remain vulnerable to those seeking to cash in on the current lack of regulation within the non-invasive aesthetic industry.

Fortunately, resources are available for those who are willing to take their time and conduct thorough research into locating a safe, reputable and qualified practitioner. Although no procedure can ever be guaranteed to be 100% safe, prevention is the best defence against complications further down the line.

For more help in locating a safe practitioner, view our checklist, **'How to choose a cosmetic surgeon and avoid potential health risks'** [here](#).

For more information, visit www.cosmeticsurgerysolicitors.co.uk