



Fact sheet

Restrictions on pre 16 learning within Hair and Beauty Qualifications

Background

The **Product Safety and Metrology etc. (Amendment etc) (EU EXIT) Regulations 2019** adopted **EU Cosmetic Regulation (EC) No 1223/2009** into UK Law.

Annex III of the legislation lists formulation restrictions and compulsory labelling requirements for **oxidative hair colour products**. Oxidative hair colours are more commonly referred to as permanent or sometimes semi-permanent hair colour. These contain primary intermediaries like p-Phenylenediamine that requires oxidation to lock colour into the hair shaft.

Labelling

UK Law requires the following warning to be printed on the labelling of all hair colour products-

- Hair colourants can cause severe allergic reactions
- Read and follow instructions. This product is not intended for use on persons under the age of 16.

Impact

In a domestic setting, it is not unusual for children to want to change their appearance by using permanent hair colour purchased through retail channels e.g. the supermarket. Despite the age restriction on product labelling, it is not illegal for these products to be sold to children.

The impact of this age restriction is different within an educational and commercial setting, where a third party (expert) is responsible for the application and industry best practice is expected to be followed, at a minimum.

The impact of a third party, professional intermediary **not** following best practice or ignoring essential product safety labelling covers three potential serious areas of risk for a training provider.

1. Legal

Under Section 3 of the Health & Safety at Work Act 1974, employers (colleges/schools) have a duty to ensure, as far as reasonably practicable, that their actions do not expose others (including clients) to risks to health or safety. Failing to follow legally mandated precautions- such as using colour products on children under the age of 16 or, failure to perform an allergy test, can amount to a breach of this duty.

2. Civil

Colouring hair requires special skills, training and experience. In a training setting this experience is provided under the supervision of trained, skilled and experienced tutors/lecturers. The standard by which a tutor is measured, will be against that of industry standards. Use hair colour on children under the age of 16 is against the legal labelling requirements of the colour manufacturer and industry best practice. This would likely be considered negligent.

3. Commercial

It is standard practice for UK insurance contracts to require professional intermediaries (hairdressers beauty therapists and students) to use products in accordance with the instructions, set out by the manufacturers. In the event of a claim against a training establishment where a treatment is conducted on a child- even if that claim does not relate to an allergy - the insurer is entitled to decline the claim or seek to recover the costs of the claim from the insured. In the context of allergy alert testing for colours, medically licensed tests, that replace the allergy alert test, are accepted as an alternative to the manufacturer's allergy alert test.

Summary

So, whilst it is not illegal for a 16-year-old to use hair colour, it should not be used in a training environment.

- HABIA, as the Standards Setting Body for the industry, have issued this fact sheet to explain the restrictions on the use of permanent hair colours on under 16s
- Product manufacturers have a legal requirement to state restrictions on packaging
- Awarding Organisations have placed restrictions within their qualifications
- Training Providers are expected to follow these qualification specifications within their training programmes
- Trade associations have published a harmonised best practice procedures on the use of permanent hair colour to under 16s.
- Insurance companies expect industry standards to be met by those they insure.

In line with the EU Directive and their adoption in UK Law, to offer the safest training environment for pre-16 learners, the following restrictions for each of the industries have been agreed. All Awarding Organisations have built in and advise these restrictions within their qualifications that are aimed at pre-16 learners.

Specific Industry restrictions

Industry	Restrictions
Hairdressing/barbering	<ul style="list-style-type: none">• Cutting hair with implements such as scissors, clippers and attachments• Shaving skin with implements such as blades and razors• Using chemicals such as quasi, permanent hair colouring, permanent waving, bleach, lighteners, relaxing and chemical straightening• Completing skin tests
Nails	<ul style="list-style-type: none">• Sharp implements such as knives, blades and nail cuticle cutters• Nail enhancements such as acrylics, powders, acetone, glues and resins
Beauty Therapy and Spa Therapy	<ul style="list-style-type: none">• Aromatherapy oils• Chemicals such as eyelash/brow tint, eyelash lift and brow lamination lotions and eyelash adhesives• Tools and instruments such as eyelash curlers, automatic tweezers, micro lances, derma-rollers, lava (thermal) shells and ear-piercing equipment• Epilation – laser, needles• Depilatories such as waxing, bleaching and cream• Completing skin test• Thermal auricular candles• Hair, facial and body electro-therapy equipment• All peels• Water purification chemicals

Further definitions surrounding restrictions

Client Contact

Learners are restricted regarding 'touching' certain areas of the body; suitable areas include:

- head, neck and shoulders to the clavicle and scapula
- lower arms and hands
- lower legs and feet

Training and assessments may be carried out on live models and/or artificial body parts designed for professional use as specified by the Awarding Organisation for the particular preparation for work qualification being undertaken.

Allergy Testing

The 2024 Harmonised Professional Standard for Allergy Testing should be followed. For more details go to <https://haircouncil.org.uk/professional-allergy-testing-guidance/>

Sensitivity Test – tactile(soft/sharp) and thermal (hot/cold) are suitable for learners of all age group.

About Habia

The Hair and Beauty Industry Authority (HABIA) is recognised as the Standard Setting Organisation (SSO) for the hair and beauty industries, which includes the following sub-sectors

- Hairdressing / Barbering
- Trichology
- Beauty Therapy
- Nail Services
- Wellbeing
- Aesthetics

As an SSO, HABIA works with employers, colleges, training providers, Awarding Organisations, individuals, policy makers, key organisations and stakeholders to develop National Occupational Standards (NOS) and Apprenticeships, and on other skills development activities. HABIA plays an essential role in maintaining and improving professionalism within the sector. HABIA is part of the SkillsActive group, the Standard Setting Organisation for Active Leisure, Learning and Well-being, this allows HABIA more opportunities and access to a wealth of experience.

Habia's responsibilities and duties are many and varied; developing the Standards that form the basis of many qualifications across the UK, the creation of Codes of Practice and Industry Guidelines, teacher training, CPD endorsement opportunities, and the promotion of CPD to educators, as well as additional skills and business-related support to those working in industry.

Through its drive to raise standards that are held in high regard and respected worldwide, HABIA provides a solid benchmark for education and industry and a voice to Government. HABIA works closely with education and the industry. As a not-for-profit organisation, HABIA invests all surplus revenue back into funding projects that will benefit the hair and beauty industries.

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