



Central Law Training

Wilmington Professional

Disciplinary and Regulatory Tribunals Conference 2019

Tuesday 5 March 2019

Central London

Now in its 16th year, this is a must-attend annual event for all those working in the field of professional discipline. Our panel of expert speakers includes three leading regulators and three silks and we will cover the issues that exercise practitioners as well as commentary on the new SRA Code of Conduct.

We will review crucial judgments in the legal and financial regulatory sectors over the past 12 months on issues including dishonesty, discrimination, experts and legal privilege and hear from a regulator on how the Bawa-Garba case has impacted on the way they conduct investigations.

You will catch up with peers and friends and leave better equipped to advise on the key principles of professional disciplinary law in your everyday practice.

Why attend

- For expert commentary on the impact of the most important cases of the past 12 months
- Gain early insight into the new SRA Code of Conduct from the regulator itself
- Understand how regulators investigate post Bawa-Garba
- Catch up with existing contacts and make new ones
- Last but not least, Kenneth Hamer's legendary case law update

BOOK YOUR PLACE TODAY

0121 362 7705 | client.services@clt.co.uk

www.clt.co.uk/disciplinary2019

DELEGATE FEE

£375 + VAT – Members

£750 + VAT – Non-members

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9.00 Registration & Coffee

9.30 Chair's Welcome and Introduction

Nick Leale, *Blake Morgan*

9.45 Developments in legal regulation

- Standard of proof and developments at the Tribunal
- The new SRA Code of Conduct in practice
- Themes and trends in disciplinary cases
- Professional/non-professional life
- Dealing with reports of sexual misconduct/harassment
- Changes to the complaints regulations

Paul Pretty, *Bar Standards Board*

Juliet Oliver, *Solicitors Regulation Authority*

10.30 Privilege – when, how and where in finance and healthcare regulation

- The updated position – *SFO v ENR*
- Protecting privilege
- Tactics for managing investigations
- Challenges to safeguard

Sarah Clarke QC, *Serjeants' Inn Chambers*

Rachel Spearing, *Serjeants' Inn Chambers*

11.00 Refreshments

11.15 Challenges to disciplinary proceedings on discrimination grounds

- *Michalak v GMC* [2017] UKSC 71
- Boundaries of challenge
- Implications for regulators and registrants

Ivan Hare QC, *Blackstone Chambers*

12.00 Effects of the Bawa-Garba judgment and other developments in relation to how regulators conduct investigations and share information

- Gross negligence manslaughter
- Other criminal proceedings
- Regulators sharing information and working together
- The impact of regulatory reform

Clare Strickland, *Nursing and Midwifery Council*

12.30 Lessons learned from the Arif Hussein Tribunal case

- *Arif Hussein v FCA*
- A salutary tale
- Navigating an enforcement investigation
- Tribunal tactics

Sarah Clarke QC, *Serjeants' Inn Chambers*

1.00 Lunch

2.00 Case law update

- Professional Conduct Proceedings
- Recent Case Law 2018-19

Kenneth Hamer, *Henderson Chambers*

3.00 Refreshments

3.15 Experts – when is an expert not an expert/disclosure obligations

- *R v Pabon* [2018] EWCA Crim 420
 - the importance of compliance with expert duties
 - exceeding the ambit of expertise
 - when the finding is tainted thereby
- *B v GMC* [2018] EWCA Civ 1497
 - registrants' privacy rights as a factor in Data Protection Act third party applications for disclosure of regulator's expert reports

Paul Ozin QC, *23 Essex Street Chambers*

4.00 Impairment and sanction considerations

- Recent developments
- Restoration and retirement
- The principles arising from *GOC v Clarke* and *GMC v Chandra*

Sarah Harris, *Kingsley Napley*

4.45 Chair's Concluding Remarks and Questions

5.00 Conference Close

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Conference chair

Nick Leale leads Blake Morgan's Professional Regulatory team, rated in Band 1 in Chambers 2018 and Legal 500 2017. Nick himself is recommended in Band 1 by Chambers and Legal 500 in which he is described as a practitioner who is 'forward thinking and client focused', 'offers a great deal of leadership' and 'is incredibly resourceful'. He is said to 'possess the skills of a criminal advocate combined with the attention to detail of a civil lawyer'. He sits as a Legal Assessor to the Professional Conduct Panels of the Teaching Regulation Agency and Chairs Anti-Discrimination Commissions of the Football Association. He is also Treasurer to the Association of Regulatory and Disciplinary Lawyers.

Speakers

Sarah Clarke QC is consistently ranked in both Chambers and Partners and the Legal 500 as a leading expert in the field of insider dealing and market abuse. Between 2005 and 2011 she was a Technical Specialist in the Enforcement Division of the (then) Financial Services Authority before returning to private practice at Serjeants' Inn Chambers. She is on the SFO's QC Main and POCA lists and is a contributing editor of the Lloyds Business Law Reports.

Kenneth Hamer, Barrister, is a Legally Qualified Chair to the General Medical Council (Medical Practitioners Tribunal Service), a Legal Adviser to the General Dental Council and a Legal Assessor at the Nursing and Midwifery Council. He is a member of the prosecuting panel of the Bar Standards Board, and regularly represents regulators or practitioners in professional conduct proceedings. He is the author of Professional Conduct Casebook published by OUP, and the joint editor of the Association of Regulatory and Disciplinary Lawyers' Quarterly Bulletin.

Ivan Hare QC practises at Blackstone Chambers and has appeared in many of the leading cases on the regulation of healthcare professionals such as *General Medical Council v Bawa-Garba* and *Michalak v General Medical Council*. He is one of the authors of *De Smith's Judicial Review* (8th ed, forthcoming 2018).

Sarah Harris is a Partner in the Regulatory Team at Kingsley Napley, with a broad and varied practice advising both regulators and individuals. Sarah has a particular focus on health care regulation and works closely with regulators in this sector to design and implement regulatory frameworks that meet their needs, using process improvement methodology and analysis.

Juliet Oliver is General Counsel at the SRA. She has built up a wealth of experience in regulatory reform and decision-making in former roles as a partner at FieldFisher, and at the GMC, and is Investigation Committee member/Case Examiner at the GOC and on the Professional Standards Committee of CIMA.

Paul Ozin QC specialises principally in the fields of financial crime, regulatory and disciplinary proceedings and related public law and civil actions and is ranked in the leading legal directories in both the financial crime and professional regulatory categories. He leads the 23 Essex Street Regulatory and Disciplinary team and chairs the annual CLT Regulation of Healthcare Professionals Conference. He is the Vice Chair of the Association of Regulatory and Disciplinary Lawyers.

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Paul Pretty is the Head of Investigations and Hearings at the Bar Standards Board, a role he has held since 2014. His responsibilities include managing the investigation and prosecution of breaches of the BSB's Code of Conduct. Prior to joining the BSB, Paul worked at the Nursing and Midwifery Council, presenting cases and overseeing investigations and before this was in practice at the criminal Bar.

Rachel Spearing is instructed in a wide variety of civil and criminal matters with a particular emphasis on business crime, financial & regulatory and disciplinary law. She is experienced in both prosecuting and defending and also works with executive boards at organizational level to assist in risk management and reporting, including managing internal inquiries.

Clare Strickland qualified as a barrister in 1995 and spent her first nine years in practice at 23 Essex Street, specialising in crime, licensing and regulation. She moved to the Nursing and Midwifery Council (NMC) in 2004, where she worked in a variety of legal roles. From 2015, she spent two years as a partner in the professional regulatory team at Blake Morgan LLP, before returning to the NMC as Deputy Director, Fitness to Practice.