



Central Law Training

Wilmington Professional

Regulation of Healthcare Professionals Conference 2019

24 September 2019

Central London

This established annual one-day conference, devoted specifically to the regulation of healthcare professionals, is designed to keep those working in the field abreast of recent statutory, jurisprudential, procedural and other developments affecting all the regulated healthcare professions.

Chaired by **Paul Ozin QC** of 23 Essex Street, the conference fields a wide range of leading experts discussing the hot topics of the moment and charting the significant current and future developments in the sector.

Our speaker panel this year includes representatives from the Professional Standards Authority, the General Medical Council, the Nursing and Midwifery Council and the Medical and Dental Defence Union of Scotland. We also welcome experts with front-line involvement in key developments in the regulation of healthcare professionals.

Why you should attend

- Hear about the independent review of gross negligence manslaughter and culpable homicide, following *Bawa-Garba*
- Gain insight into the latest thinking on issues such as disclosure, confidentiality and privilege
- Learn about latest cases and key decisions and their impact for your practice
- Benefit from the insights and perspectives of a wide range of leading practitioners in the field, including three QCs
- A unique opportunity to network with and learn from legal practitioners in this specialist area of law

BOOK YOUR PLACE TODAY

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

www.clt.co.uk/RegulationofHealthcare2019

DELEGATE FEE

£375 + VAT – Members

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9.00 Registration & Coffee

9.30 Chair's Welcome and Introduction

Paul Ozin QC, **23 Essex Street**

9.45 Appealing decisions that are insufficient to protect the public: The Professional Standards Authority's approach

- An overview of the PSA's jurisdiction
- How the PSA approaches its jurisdiction
- Current concerns about fitness to practise cases
- Recent cases that the PSA has brought and considered

Mark Stobbs, **Professional Standards Authority**

10.30 Proceeding in the absence of the practitioner and adjournments post *Adeogba V GMC*; an overview and update, considering the recent case law

- *Hussain v General Pharmaceutical Council* [2018] EWCA Civ 22
- *Kalaf v GMC* [2018] EWHC 1466
- *Lindsay v SRA* [2018] EWHC 1275 (Admin)
- *Rodriguez-Purcet v SRA* [2018] EWHC 2879 (Admin)
- *General Medical Council v Hayat* [2018] EWCA Civ 2796
- *Maitland-Hudson v SRA* [2019] EWHC 67 (Admin)

Jim Percival, **General Medical Council**

11.15 Refreshments

11.30 The independent review of gross negligence manslaughter and culpable homicide

- The territory covered by the independent review in the wake of the case of Dr Bawa-Garba
- The landscape for the future of such cases: what next for the medical profession, patients and the public?

Selva Ramasamy QC, **QEB Hollis Whiteman**

12.15 Disclosure, confidentiality and privilege

- The test for disclosure in 'mixed personal data' cases: *B v GMC* [2018] EWCA Civ 1497

- Recent developments in privilege: *Director of the SFO v Eurasian Natural Resources Corporation Ltd* [2018] EWCA Civ 2006; *FRC v Sports Direct International Plc* [2018] EWHC 2284 (Ch)

Jonathan Holl-Allen QC, **Serjeants' Inn**

1.00 Lunch

2.00 Case law roundup

- Professional conduct cases – recent update

Kenneth Hamer, **Henderson Chambers**

3.00 Refreshments

3.15 The role of medical defence organisations throughout regulatory processes

- How the process of assistance works, in particular within MDDUS
- Team working
- Early engagement
- Insight for the member
- Reflection

Emma Parfitt, **Medical and Dental Defence Union of Scotland**

4.00 The strategic direction of fitness to practise for healthcare professionals

- A person-centred approach
- A culture of openness and learning
- Exploring the context in which patient safety incidents occur
- Making the most of insights from fitness to practise proceedings
- Making best use of hearings

Clare Strickland, **Nursing and Midwifery Council**

4.45 Chair's Concluding Remarks and Questions

5.00 Conference Close

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Conference chair

Paul Ozin QC specialises principally in the fields of financial crime, regulatory and disciplinary proceedings and related public law and civil actions. He is the Vice-Chair of The Association of Regulatory and Disciplinary Lawyers and Chairs its Seminar Committee. He leads the 23 Essex Street Regulatory and Disciplinary team. His recent regulatory publications include chapters in the forthcoming edition of Gomez, 'Regulation of Healthcare Professionals: Law, Principle and Process' and articles in Lexis Nexis. He appears both for registrants and regulators. His recent regulatory work includes healthcare, NHS, financial, legal services and police cases, including issue based advisory work. He is a member of the Lexis Nexis Corporate Crime Lawyers Consulting Editorial Board. He is appointed to the SFO's QC List. He is a former Standing Counsel to the Department of Business and, as a junior, was appointed at the highest level on the panels of prosecuting authorities. He is consistently ranked as a leading Silk in the legal directories in both the regulatory and financial crime categories.

Speakers

Jonathan Holl-Allen QC has been a medical lawyer throughout his career at the Bar. In clinical negligence cases he acts for claimants and for defendants on behalf of all the major medical defence organisations and the NHSLA.

A substantial part of his practice for the last 20 years has been acting on behalf of the practitioner in professional discipline cases, particularly in the medical and dental fields. He is described in the recent edition of The Legal 500 as "vastly experienced, erudite and articulate".

Emma Parfitt qualified as a solicitor in 1998 and has over 20 years' experience in healthcare law. She obtained her law degree from Cardiff University and a French Diploma of Law from Universite de Picardie Jules Vernes in Amiens, France.

She has advised and represented medical and dental organisations, private hospital groups, private hospitals and insurance companies on a range of healthcare issues including a significant number of high value complex clinical negligence cases in a range of fields including cerebral palsy cases and periodical payments. She also has extensive experience in representing both doctors and dentists in a wide variety of areas including regulatory, inquests and military inquiries.

Emma joined the Medical and Dental Defence Union of Scotland in October 2006 and is now Director of Advisory and Legal Services based in London.

Jim Percival is Principal Legal Adviser and Deputy General Counsel at the GMC, a senior lawyer in, and manager of, GMC Legal, the in-house legal team at the General Medical Council (GMC).

He has specific responsibility for: supporting the General Counsel in the provision of legal support and assistance to the Chair, Chief Executive and other members of the Senior Leadership of the GMC; the conduct of all litigation on behalf of the GMC before the courts in the several jurisdictions of the United Kingdom and overseas; the provision of legal advice and support in relation to the development and implementation of policy across all GMC Directorates (including matters involving the drafting of legislation and subordinate legislation, Rules and Regulations etc); the provision of legal advice and support in relation to the exercise of the GMC's right of appeal pursuant to s.40A of the Medical Act 1983 (as amended).

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Selva Ramasamy QC is the legal advisor to the independent review of gross negligence manslaughter and culpable homicide and has over 20 years of experience in regulatory and criminal law, with a particular focus on cases involving doctors and other healthcare professionals. He is often involved in the most serious types of regulatory cases where there is concurrent investigation by the police and regulators.

In his criminal practice, he prosecutes and defends. Similarly, in his regulatory practice, he acts for regulators and defends. He has considerable experience with difficult and sensitive inquests arising from medical, police and military action. These areas of practice have allowed him to develop particular skill in dealing with complex scientific and technical evidence. He sits as a Recorder (part time judge) in the Crown Court. He is a Member of the Bar Standards Board Prosecuting Counsel Panel for Disciplinary Hearings. In his career he has been an elected member of the Bar Council, a member of the Criminal Bar Association Committee; and a member of the Bar's Race Relations Committee.

Mark Stobbs is the Director of Scrutiny and Quality at the Professional Standards Authority. He leads the team responsible for scrutinising the work of the nine regulators of health and care professionals. Through this work, they identify and share good practice.

He leads the Authority's work on the performance reviews of the regulators and the Authority's work in scrutinising the fitness to practise decisions of regulators' panels. He led the recent 'Lessons Learned' Review of the Nursing and Midwifery Council's handling of the concerns about the midwifery unit at the Furness General Hospital. Mark has worked predominantly in the legal field. He started his career in what was then the Lord Chancellor's Department before joining the Bar Council. He led the Council's complaints and regulatory work before becoming the first Director of the Bar Standards Board. Between 2008 and 2015, he was Director of Legal Policy at the Law Society of England and Wales.

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 the NMC as Deputy Director, Fitness to Practice.