



Regulation of Healthcare Professionals in 2012

All the latest law and practice

London - 21 September 2012

6 CPD Hours



OUTLINE

Proper regulation of healthcare professionals is vital for public safety and to preserve trust in the professions. An adverse finding by a regulator can have severe consequences involving fines, suspension or even the loss of livelihood. The consequences of failing to adequately regulate can be even worse, as recent high profile cases have proved.

This conference is chaired by Joanna Glynn QC, co-author of *Health Care Regulatory Law, Principle and Process*. It provides essential up-to-date guidance to regulators and to practitioners advising healthcare professionals on all aspects of regulation: from consideration of entry to the professional register right up to judicial review of a decision.

CHAIR/SPEAKERS

CHAIR: Joanna Glynn QC specialises in professional regulatory and disciplinary work, acting for practitioners and for many of the health care regulators. For some years she has been highly ranked as a leading silk in Chambers for professional discipline. She is co-author of *Fitness to Practise: Health Care Regulatory Law, Principle and Process* (Sweet and Maxwell 2005) and a new, expanded edition entitled *"The Regulation of Healthcare Professionals: Law, Principle and Process"* is due to be published in September 2012.

Tom Cosgrove specialises in regulatory law involving, in particular, the professional discipline procedures and statutory powers of professional regulatory bodies. His expertise in this area has been acknowledged by clients whom he 'impresses...with his professional discipline and public law expertise' (*Chambers*).

Kenneth Hamer is ranked in the *Legal 500* as a leading junior on professional discipline and regulatory law. He is a legal assessor to the GMC and the NMC and a legal advisor to the General Dental Council. He chairs the Disciplinary Appeal Committee of CIMA and prosecutes for the Bar Standards Board. Kenneth is co-editor of the Association of Regulatory and Disciplinary Lawyers (ARDL)'s quarterly bulletin.

John Harding heads the Professional Discipline and Regulatory team at Kingsley Napley LLP where he acts for, among other regulators, the Health Professions Council, the General Optical Council and the General Dental Council. John is recommended by *Chambers 2012* and the *Legal 500* in the fields of professional discipline, crime and fraud and has been recognized for having a "personable nature, and a conciseness that clients really appreciate." He is a member of the ARDL.

Guy Micklewright, Barrister, has acted for a large number of healthcare and other regulators. He regularly presents cases before a number of committees and disciplinary tribunals and provides training for regulators in fitness to practise law and procedure. Prior to joining Blake Laphorn Guy was a Senior Lawyer at the GDC where he presented cases before all practice committees as well as prosecuting cases of illegal practice of dentistry in the criminal courts.

Susan Monaghan has extensive experience in professional regulation and not only appears before various professional bodies but also acts as a Legal Assessor for the General Dental Council, General Medical Council and the Nursing and Midwifery Council. Susan is also on the panel of legal members to IAASA (Irish Auditing Accounting Standards Authority).

Paul Ozin is the team leader of the 23 Essex Street Healthcare Regulatory and Discipline team. He has a wide practice in regulatory and disciplinary cases and advises on and drafts guidance on legal issues affecting regulators and regulated persons including representations on draft legislation. He is consistently top-ranked in the professional directories.

Clare Strickland is assistant director, legal services, at the NMC. She is responsible for the preparation and presentation of all cases before the NMC's practice committees. Her team also acts for the NMC in all High Court cases connected with fitness to practice. Prior to joining the NMC she was in chambers at 23 Essex Street, where she specialised in regulatory law, crime and licensing.

PROGRAMME

- 9.00 Registration and Coffee**
- 9.30 Chair's Welcome and Introduction**
Joanna Glynn QC, 1 Crown Office Row
- 9.45 Current and Future Regulatory Developments**
- The Law Commission's Recommendations for Reform
 - Health and Social Care Act 2012 and Health and Care Professions Council - an update
 - Professional Standards Authority for Health and Social Care
 - Current GMC consultations/proposals
John Harding, Kingsley Napley LLP
- 10.30 The Role of the Legal Assessor**
- What is the role of the Legal Assessor?
 - When is it right for the Legal Assessor to intervene?
 - How much case law should the panel be referred to?
 - Appealable points to watch out for
Susan Monaghan, No 5 Chambers
- 11.15 Coffee**
- 11.30 Dishonesty and the Healthcare Professional**
- Professional standards
 - Duty to disclose
 - Investigating dishonesty
 - Charging dishonesty
 - Impairment and the relevance of dishonesty during the proceedings
 - Sanction
Clare Strickland, Nursing and Midwifery Council
- 12.15 Case Law Update**
All the leading cases from 2011-2012 relevant to practitioners and their clients, particularly in the area of procedure, drafting of charges, legal representation and misconduct and impairment.
Kenneth Hamer, Henderson Chambers
- 1.00 Questions**
- 1.15 Lunch**
- 2.15 Interim Orders**
- Powers and approach of the various healthcare regulators in relation to interim orders
 - Approach to making applications for extensions of interim orders - key considerations
 - Case law in the Administrative Court and the approach of the court to delay
Tom Cosgrove, Cornerstone Barristers
- 3.00 Expert Evidence in Healthcare Regulatory Proceedings**
- The duty of a Panel to give reasons in evaluating expert evidence
 - The deployment by a Panel of its own expertise
 - The application of the Bolam test to expert evidence in healthcare regulatory proceedings
 - Practicalities in the management of expert evidence
Paul Ozin, 23 Essex Street
- 3.45 Tea**
- 4.00 Disclosure in Regulatory Proceedings**
- Approaches to disclosure
 - Confidentiality and Data Protection
 - Expert Evidence
Guy Micklewright, Blake Lapthorn LLP
- 4.45 Chair's Concluding Remarks and Questions**
- 5.00 Conference Close**

BOOKING FORM

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