

# Healthcare Professional Regulation

A comprehensive review of the latest developments and future trends in this rapidly changing area of regulation

Tuesday 30 November 2010  
Central London

Regulatory & public sector  
organisations attend for  
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**Chaired by:**

**MATTHEW LOHN**  
Field Fisher Waterhouse LLP

**Expert speakers:**

**DUNCAN RUDKIN**  
General Pharmaceutical Council

**JOANNA GLYNN QC**  
1 Crown Office Row

**HELEN MOUNTFIELD QC**  
Matrix Chambers

**MARY O'ROURKE QC**  
3 Serjeants' Inn

**SARAH ELLSON**  
Field Fisher Waterhouse LLP

**JUDITH CHRYSTIE**  
Field Fisher Waterhouse LLP

**SARAH LEE**  
Brick Court Chambers

**IAIN MILLER**  
Bevan Brittan LLP

## This essential one day conference will enable you to answer these topical questions:

- How will healthcare professional regulation develop under the new Government?
- What **legal protection** is available for **whistleblowers**?
- How is the definition of **impairment** bedding down in fitness to practise cases?
- What are the latest issues in **restoration cases**?
- How are healthcare regulatory bodies utilising their **powers and sanctions**?
- What are the **rights of appeal** and **judicial review** in healthcare tribunal cases?

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*"A very useful and informative day – lots of information to digest and well worth the trip to London"*

Andrea James, Solicitor, General Medical Council, delegate at Professional Discipline and Regulation 2010

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## A comprehensive review of the latest developments and future trends in this rapidly changing area of regulation

### WHO ARE THE SPEAKERS?

**DUNCAN RUDKIN** took up post in January 2010 as Chief Executive & Registrar of the General Pharmaceutical Council (GPhC), which will be the new independent regulator for pharmacists, pharmacy technicians and pharmacy premises. The new body is currently in shadow form and is due to take on regulatory responsibility in 2010, parliamentary process and timetable permitting. Duncan was previously Chief Executive and Registrar of the General Dental Council and was appointed to this post in June 2006. He had been with the GDC since 1998, where his previous roles included Director of Legal Services, Director of Professional Standards and Deputy Chief Executive. Before joining the GDC Duncan worked as a solicitor in the City of London.

**JOANNA GLYNN QC** practises from 1, Crown Office Row, London. She has acted for many of the UK health care regulators in an advisory capacity and appears regularly before their various committees and panels. From 1995 - 2006 she was a contributing editor of Archbold Criminal Pleading, Evidence and Practice and she has sat in the Crown Court as a Recorder since 1997. She is the author with David Gomez of 'Fitness to Practise: Health Care Regulatory Law, Principle and Process'.

**HELEN MOUNTFIELD QC** was named Public Law and Human Rights 'Junior of the Year' at the Chambers & Partners Bar Awards 2009. As a highly regarded public law specialist, Helen has appeared in many of the leading cases such as *YL v Birmingham City Council & Others, R(OO)(Jordan) v Secretary of State for the Home Department, R(E) v Governing Body of JFS*, and *R(Watkins-Singh) v Governing Body of Aberdare Girls High School*. Particular areas of expertise and experience include education law, social welfare and election law.

**MARY O'ROURKE** is a barrister specialising in Medical Law and particularly regulatory, disciplinary and related employment aspects. She spends a substantial proportion of her working life at the GMC arguing cases on behalf of doctors before every type of Panel and thereafter on appeals or judicial reviews in the High Court - and has been doing so for many years. She also has extensive experience in the GDC and NMC (where she is currently engaged in the longest fitness to practise case in the NMC's history). She was called to the Bar in 1981 and appointed QC in 2009.

**SARAH ELLSON** is a partner in the Public and Regulatory Law Group at Field Fisher Waterhouse and has specialised in health and social care regulation for over 10 years. Her clients include the GMC, the NMC, the GSCC, the HFEA, and the HTA. She was part of the team who provided the legal support to establish the CQC and continues to be involved in work for the Commission. She is a specialist adviser to the police investigating crime and safeguarding in health and social care settings. Sarah regularly provides bespoke training in this area.

**JUDITH CHRYSTIE** is a partner at Field Fisher Waterhouse specialising in Public and Regulatory Law with a particular focus on the health, social care, police and education sectors. Acts for public, regulatory and commercial clients. Offers advice on a wide range of regulatory provisions, policy matters and practice-based issues as well as handling fitness to practise cases, High Court applications and judicial review claims. Acts as legal adviser to a number of committees and panels and runs training courses for clients on a variety of topics.

**SARAH LEE** is a senior junior practising in the fields of EU Law, Public Law and Competition/Regulatory Law. Her practice includes both advocacy and advisory work and she is experienced in conducting cases and appearing in a variety of courts and tribunals including the High Court, the Court of Appeal, the Competition Appeal Tribunal, the Competition Commission, the Court of First Instances and the European Court of Justice. She has been on the Government's Treasury A Panel since 2007 and was a B Panel member prior to that. Her clients include public and private companies and government bodies.

**IAIN MILLER** is Head of the Commercial Litigation team at Bevan Brittan in London with an extensive public law practice. Iain is one of the Solicitors Regulation Authority's principal advisers on the frequent public law challenges to their decision-making policy. He regularly acts in disciplinary hearings and appeals in relation to solicitors, architects, social workers, teachers and opticians. Iain is an editor of Cordery on Solicitors and Co-editor of Butterworths Guide to the Legal Services Act 2007.

### Why attend this conference?

The regulation of healthcare professionals is in a state of flux. The Department of Health has recently published its **Arm's Length Bodies Review** which proposes abolishing four arm's length bodies, the merging of other organisations and transferring functions from some organisations into others. The Department of Health has also announced that the **Office of the Health Professions Adjudicator (OHPA)** will not be going ahead in its current form.

Regulating out-of-hours providers is also generating concern, with the **Care Quality Commission** recently releasing its report into **Take Care Now**. Butterworths forthcoming Healthcare Professional Regulation conference is perfectly timed for you to analyse the implications of all the **recent and upcoming changes** in this fast evolving sector.

Chaired by **Matthew Lohn** of **Field Fisher Waterhouse LLP**, our panel of expert speakers will provide you with practical and tactical guidance on all the latest issues. This essential conference will enable you to:

- Analyse recent healthcare professional regulation **case law**
- Understand the latest developments affecting **impairment** in fitness to practise cases
- Hear practical tips on securing and handling **confidential and third party material**
- Learn the best ways to **challenge the Tribunal's decisions**

### Who will you meet?

Network and share ideas with those concerned with the regulation of healthcare professionals. Delegates at our previous Healthcare Professional Regulation Conference included:

- 18 Red Lion Court
- 23 Essex Street Chambers
- 7 Bedford Row Chambers
- Accountancy Investigation and Discipline Board
- Administrative Justice and Tribunals Council
- Barlow Lyde & Gilbert
- Beachcroft LLP
- Berrymans Lace Mawer
- Bircham Dyson Bell LLP
- Blake Laphorn
- Capsticks Solicitors LLP
- Carson McDowell Solicitors
- Charles Russell LLP
- Council for Healthcare Regulatory Excellence
- Eastwoods Solicitors
- Field Fisher Waterhouse LLP
- General Medical Council
- Gordons Partnership LLP
- Hempsons Solicitors

### Hear what delegates at our 2008 Healthcare Professional Regulation Conference said:

*'Excellent - well planned, well resourced and good location. Interesting speakers'* Lesley Morgan, General Medical Council

*'Excellent content'* George Hugh-Jones QC, 3 Serjeants' Inn Chambers

*'A very helpful introduction to the changes in the regulatory structure from a broad range of angles'* Max Baines, 18 Red Lion Court

## PROGRAMME – Tuesday 30 November 2010

09.00 Registration & Coffee

### 09.25 Chair's opening remarks

**MATTHEW LOHN**, *Partner*, **Field Fisher Waterhouse LLP**

### 09.30 Healthcare professional regulation – where are we going?

A discussion of the latest developments in healthcare professional regulation

**DUNCAN RUDKIN**, *Chief Executive & Registrar*, **General Pharmaceutical Council**

Opening address

### 10.15 Healthcare regulation case law update

Analysis of the key case law developments of the past twelve months and how these decisions translate into practice

**JOANNA GLYNN QC**, **1 Crown Office Row**

11.00 Coffee

### 11.15 Whistleblowing in a healthcare setting

- Confidentiality v disclosure
- 'Gagging orders'
- Legal protection for whistleblowers

**HELEN MOUNTFIELD QC**, **Matrix Chambers**

### 12.00 Latest developments affecting impairment in fitness to practise cases

- How is the definition of impairment bedding down?
- What is the role of remediation in determining impairment?
- The role of evidence

**MARY O'ROURKE QC**, **3 Serjeants' Inn**

12.45 Lunch

### 13.45 Restoration cases

- Issues in restoration cases
- The link with registration
- CHRE's report on a common approach to good character
- Good character and fit and proper tests

**SARAH ELLSON**, *Partner*, **Field Fisher Waterhouse LLP**

### 14.30 Case management techniques

- Managing a case in healthcare regulatory proceedings:
  - Preparing cases - investigation plans
  - Securing and handling confidential and third party material
  - Managing disclosure
  - Using sample counts/allegations - drafting and standard of proof
- Controlling the progress of the case:
  - The role for chairs, legal advisers or case managers
  - Engaging the registrant
  - Dealing with preliminary legal points and narrowing the issues

**JUDITH CHRYSTIE**, *Partner*, **Field Fisher Waterhouse LLP**

15.30 Tea

### 15.45 Appeals and judicial review – challenging decisions

- What are the rights of appeal?
- The availability of judicial review
- Human rights considerations

**SARAH LEE**, **Brick Court Chambers**

### 16.30 Costs issues and sanctions

- Assessing costs for disciplinary proceedings
- Implications of the latest case law relating to costs
- Update on powers and sanctions available by regulatory bodies

**IAIN MILLER**, *Partner*, **Bevan Brittan LLP**

### 17.00 Chairman's closing remarks

17.10 Close of conference

#### Chaired by:

**MATTHEW LOHN** is head of FFW's Public and Regulatory Law Group. His group has developed a particular expertise in the law and practice of professional regulation, especially in the fields of healthcare, finance, and sport. Matthew is appointed as a legal advisor to the disciplinary committees of the GTC and GSCC and to the Chairman's Panel for the disciplinary panels of the RFU and the HRA.

# Registration

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## Healthcare Professional Regulation

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### Forthcoming events

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- Butterworths Legal Services Act**, 29 September 2010
- Mental Health Law & Practice**, 22 October 2010
- Professional Negligence & Liability**, 27 October 2010

For more information visit [www.conferencesandtraining.com](http://www.conferencesandtraining.com)

### You can still benefit from the day – even if you can't make it!

Naturally, nothing matches the experience of coming to the conference, but if you really can't make it, you can still benefit by ordering a set of course papers. Available for £250, this will give you a permanent record of the subjects covered, which you can share with your colleagues.

To order call on +44 (0)20 7347 3573 or return the booking form.

## Administration

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