

HILL DICKINSON



INDEPENDENT HEALTHCARE LEGAL SERVICES

The complete legal solution for GPs, GDNs, and independent healthcare organisations

As a long-standing provider of legal services to the health and social care sector, Hill Dickinson understands that independent healthcare organisations require advice spanning several legal disciplines.

Introduction



At Hill Dickinson, we act for more than 100 healthcare organisations, and as a full service law firm, seamlessly deliver all the expert legal advice you need right across the legal spectrum. Our lawyers are highly praised by the independent legal directories, and are dedicated to providing the very best for their clients.

We provide you with one dedicated team of lawyers who know you, your organisation, and your commercial objectives; saving you time, cost, and inconvenience.

As part of Hill Dickinson's commitment to added value, various sector-specific training sessions, risk management seminars and presentations by our lawyers and external experts are included within our services; empowering you to keep up-to-date with changes in the law, helping to protect yourself and your organisation.

Our independent healthcare experts are available 24 hours per day, seven days a week, offering pragmatic, comprehensive advice, whenever you need it with our health sector legal helpline.

Areas of advice and support include:

- Clinical and dental negligence
- Advice on admitting privileges, consultant duties and responsibilities, and medical committee roles and responsibilities
- Mental health services
- Care homes and care standards regulation
- Dental law
- Employment
- Property law
- Professional regulation including GMC and GDC proceedings
- Inquests
- Employers' and public liability claims
- Commercial advice and contract law (in particular NHS outsourcing advice)
- Competition law
- Creating partnerships
- Partnership disputes
- Insurance, subrogation, third party and waiver advice
- Data protection
- Health and safety, criminal, and corporate manslaughter issues
- Corporate advice
- Offender healthcare
- Child and adult protection



‘They work their socks off for their clients, and remain highly supportive at what is an extremely stressful time for the individuals involved’

Chambers & Partners UK 2011 independent guide to the legal profession

Clinical and dental claims

At Hill Dickinson, our lawyers are specialists in the defence of clinical and dental negligence claims. We work closely with major defence organisations, private insurers, and private hospitals and clinics, to ensure their needs are met.

We can provide a full range of medical defence work, including claims arising out of clinical, nursing or therapist treatments, injuries of the utmost severity and cases of system failure. We can also provide risk management and training services to improve quality, and to prevent the occurrence, or recurrence, of adverse incidents.

Advice on admitting privileges, consultant duties, and medical committees

Hill Dickinson’s experts have been advising on this broad area of law for over 15 years. Whether it relates to the drafting of the roles and responsibilities of either consultants or medical committees, or the implementation of a formal disciplinary process (which may include the termination of practice privileges), you are assured that our experienced lawyers will deliver excellence in each area.

Thanks to our understanding of medical roles and responsibilities, employment law, and commercial and contractual responsibilities, we are also able to assist in the restructuring of specialist departments.



Mental health services

Mental health law is a complex and frequently high-profile area in which you need to know your lawyers are appropriately experienced and specialised. Our dedicated mental health team specialises in all legal issues surrounding mental health services, including the legalities of compulsory detention and the adequacy and appropriateness of documentation, policies and procedures. One of our lawyers is a former psychiatrist, and another is a first tier judge on the Mental Health Tribunal, adding a unique depth of understanding to our mental health team.

At Hill Dickinson, we can also advise on the powers of the Mental Health Review Tribunal, the conduct of managers' hearings, and policies on the restraint of patients, searches and discharge.

Areas of expertise include:


- The interpretation and application of the Mental Health Act 1983
- The lawfulness of detention, consent to treatment and funding issues
- Representation and advice at mental health review tribunals
- The defence of claims of false imprisonment
- Judicial reviews/Habeas Corpus cases
- All aspects of the Mental Capacity Act and Deprivation of Liberty Safeguards, including applications to the Court of Protection

As part of our complete service, we also offer a range of lectures and seminars on specialist mental health topics including changes to mental health legislation, mental capacity and deprivation of liberty safeguards.



"...this eight-lawyer team is greatly appreciated by clients for its knowledge of mental health legislation, its training on deprivation of liberty safeguards, and its handling of Court of Protection cases... the team is 'highly accessible, prompt and has outstanding knowledge of the Mental Capacity Act.'..."

Chambers & Partners UK 2011 independent guide to the legal profession



Care homes and care standards regulation

We provide comprehensive advice on all aspects of care standards, including:

- The interpretation and application of the Care Standards Act 2000 and related legislation
- Regulatory and enforcement matters in relation to care homes and other care services
- Mental health and capacity issues arising from provision of care services, including deprivation of liberties safeguards

As part of our service to care home providers, our commercial lawyers can provide advice on the typical difficulties encountered in this area of independent healthcare. Whether it relates to advising in relation to a contract for services or employee relations, we have experts able to assist.

Hill Dickinson also provides assistance before the Care Quality Commission (CQC).

Dentistry

Hill Dickinson has one of the UK's strongest legal teams dedicated to the dental healthcare sector; with seven partners and a team of experienced solicitors.

Hill Dickinson's dental healthcare specialists have expertise in:

- Defending clients in proceedings brought by the General Dental Council (GDC) concerning issues of conduct, health or performance
- The defence of dental negligence claims, on behalf of individual dental professionals and corporate dental practices
- All aspects of general dental services (GDS) contracts and personal dental services (PDS) agreements and the legislative framework behind them
- Professional relationships, whether it be under an expense-sharing agreement, in partnership - a limited liability partnership or limited liability company - and compliance with the regulations pertaining to businesses that carry out dentistry as set out in the Dentists Act 1984
- Contractual arrangements between self-employed associates, hygienists, therapists and practice owners
- Employment of dental professionals in dental practices.
- Providing advice with respect to criminal (including fraud) allegations - we have experience of liaising with the police, Health and Safety Executive and the Environment Agency, and represent practitioners at police interviews including those conducted under caution
- Providing registration support for providers of dental services with respect to the Care Quality Commission (CQC) - providing advice on registration requirements and compliance with the legislative framework and CQC's guidance
- Payment plans for private treatments, we assist those practices who wish to set up their own in-house schemes, but as

most clients become members of established dental schemes, we have a good understanding of the various schemes available and the legal issues that can arise

- Procurement of NHS dental contracts - we were involved in one of the first cases brought before the Co-operation and Competition Panel
- Corporate, commercial and finance aspects of dental healthcare businesses including sales and acquisitions and establishment and operation of joint ventures





Employment

With employment law specialists dedicated to the healthcare sector, Hill Dickinson delivers bespoke, quality advice and practical solutions on all employment-related issues, including:

- Advice and support on all aspects of employment law including disciplinary, dismissal and grievance procedures
- Employment contracts, policies and staff handbooks
- Employment tribunal claims handling including advocacy
- Support with restructuring
- Transfer of undertakings (TUPE)
- Business protection
- Injunctions arising from breaches of restrictive covenants and confidentiality clauses

Property

Hill Dickinson recognises that organisations in the private healthcare sector have specialist requirements when dealing with property matters. You need to ensure your property advice is of the highest standard, with patient needs in mind. We have a dedicated team of eight healthcare property lawyers (including three partners) with over 20 years of experience in providing a full range of commercial property advice, tailored specifically to meet the needs of our healthcare clients.

Our areas of expertise include:

- Property sales and acquisitions
- NHS Lift/PPP schemes
- Leases and licenses of occupation
- Planning applications and appeals
- Building contracts and collateral warranties
- Landlord and Tenants Act disputes
- Funding and re-financing of capital projects



Professional regulation

We have experts who are recognised as national leaders in representing a client's interests before various professional and regulatory bodies to which they or their businesses subscribe. This includes the following;

- General Chiropractic Council (GCC)
- General Dental Council (GDC)
- General Medical Council (GMC)
- General Optical Council (GOC)
- General Osteopathic Council (GOsC)
- General Pharmaceutical Council (GPhC) (formerly the Royal Pharmaceutical Society of Great Britain)
- Health Professions Council (HPC)
- Nursing and Midwifery Council (NMC)

Our expertise extends to assistance before the appellate body, the Council for Healthcare Regulatory Excellence (CHRE).

At Hill Dickinson, our familiarity with the statutory framework ensures that practitioners are represented in the context of a broader appreciation of other tribunals. For example, the ability to represent a practitioner's interests before a coroner in a way which does not compromise that practitioner's position in the event he also faces GMC proceedings.

We regularly receive instructions from the major medical and dental defence organisations to represent their clients' interests, as well as directly from private individuals.



Inquests

Our experienced inquest team regularly undertake advocacy at coroners' inquests. We appreciate that inquests are, by their very nature, a difficult time for all concerned. We combine a robust, assured approach to the legalities of the inquest with an emotional sensitivity essential to dealing with inquests. We understand the potentially high profile nature of an inquest, and also have the benefit of a specialist media team of advisors.



Areas of expertise include:

- Advice and representation including complex Article 2, jury inquests
- Witness support
- The Human Tissue Act 2005
- Advice on the content of serious untoward incident investigations
- Advising where there is a police investigation following a death
- Undertaking advocacy including dealing with complex inquests raising allegations of gross negligence, manslaughter, neglect and system neglect
- Issues arising from deaths in custody
- Judicial review of an inquest
- Training and practical tips in relation to attendance and preparation for inquests

Employers' and public liability

We have a long-established history of acting on behalf of corporate bodies and insurers. Our integrated approach means that the expertise of our employment and regulatory teams is always available should you need to consider the wider implications for your business of a claim or group of claims.

We appreciate that employer and public liability claims in the healthcare setting require unique considerations. The ability to combine our market-leading insurance litigation and healthcare expertise enables us to provide you with an unparalleled service.

Areas of expertise include:

- Manual handling claims
- Industrial disease claims
- Tripping and slipping accidents
- Work related stress and bullying/harassment
- Road traffic claims



Commercial advice and contract law

The health market is undergoing radical structural and cultural changes. Health and social care is becoming ever-more closely aligned, and the traditional NHS internal market is being opened up to independent health and social care providers.

Our understanding of the evolving structure of healthcare - both public and private - puts us in the ideal position to advise you on the commercial opportunities that exist in this fast-evolving field.

Areas in which we can assist include:


- Joint ventures including those in conjunction with the outsourcing of schemes and services
- Public procurement
- IT and facilities management
- Information governance including data protection and freedom of information rules
- Intellectual property including how to best protect your intellectual property rights and prevent their exploitation by rivals
- Commercial agreements, advising on the whole range of commercial contract issues both nationally and internationally
- Contracts with the public and private sector for the provision of health services
- Advice on the creation and dissolution of partnerships and partnership disputes

Competition law

Our specialist lawyers offer guidance and support throughout the procurement process. We are experienced in advising bidders on the competition rules that apply and provide assistance with the review and interpretation of procurement documentation, so as to help bidders with the preparation of tender documents.

We have extensive knowledge and experience of EU and domestic procurement law, gained from acting for both contracting authorities and bidders. Our lawyers regularly appear before the Co-operation and Competition Panel concerning procurement of NHS-funded services.

Hill Dickinson was involved in the first procurement appeal brought before the Co-operation and Competition Panel.



Insurance, subrogation, third party and waiver advice

Our close relationship with insurers in the independent healthcare market ensures we have an appreciation of the issues which arise where a healthcare provider may have the benefit of insurance cover. Where possible, we work collaboratively with insurers to achieve the optimum outcome (for example, the speedy resolution of a clinical negligence claim). We have experts who have been advising private healthcare insurers for nearly two decades. However, we are increasingly asked to comment in relation to insurance contracts and insurance law when advising on subrogation and potential third party claims.

Health and safety, criminal, and corporate manslaughter

We have extensive experience of advising on the criminal law implications of an adverse event, with particular expertise in police investigations into patient injury following medical care, and healthcare-related corporate manslaughter investigations.

Areas of expertise include:

- Liaising with the police, Health and Safety Executive and environment agency
- Access to medical samples and medical records
- Data Protection and confidentiality
- Employment law obligations
- Witness support
- Representation at police interviews including those conducted under caution

We can also provide training on the implications of the Corporate Manslaughter and Corporate Homicide Act 2007; these issues often run alongside inquests and we are able to advise on all related issues within our broader health sector capability.

Corporate advice

Our corporate specialists can advise on the legal issues that affect the day-to-day operation of an organisation. We can assist with:

- Company and LLP formation, corporate reorganisations, mergers and undertakings
- Corporate governance, regulatory compliance and due diligence issues
- Fundraising, including off market equity fundraising
- Advising on taxation implications, including developing innovative tax efficient structures for the full range of corporate and corporate finance transactions

Offender healthcare

We act for numerous organisations providing both primary and hospital care to the offender population.

We have specific expertise in:

- Mental health and offender healthcare; we can advise on policies and provide training on the Mental Health Act (MHA) and the Mental Capacity Act in relation to capacity, consent and advance decisions in relation to refusal of medical treatment and food
- Managing the complex needs of prisoners at risk of self harm and on hospital transfers under section 47 MHA
- Data protection and freedom of information and confidentiality for offender patients
- Deaths, coroners' inquests and the police; our extensive experience of coroners' inquests means that we can support clients through the complex process of dealing with a death in custody



Adult and child protection

We deal with all aspects of child and adult protection, including safeguarding procedures, childcare proceedings and applications to the Court of Protection.

We act for many independent providers.

We frequently assist in drafting safeguarding policies and provide advice and support to staff required to attend court. Our areas of expertise include:

- Safeguarding policies and procedures
- Supporting staff at court
- Advising on sensitive and controversial issues
- Serious case reviews
- Protection of staff and patients
- Applications to the Court of Protection
- Childcare proceedings

The complete legal solution

As an award-winning, full service international law practice, Hill Dickinson offers a comprehensive range of legal services that add value to our clients' organisations.

Our clients include multi-national companies, major corporations and UK plcs, insurance companies, UK and foreign banks and financial institutions as well as public and professional bodies, public sector organisations and private individuals.

Specialisms

- Commercial
- Commercial dispute resolution
- Corporate
- Corporate recovery and insolvency
- Employment and pensions
- Family
- Notarial services
- Professional risks
- Property and construction
- Tax
- Wealth management

Sectors

- Aerospace
- Banking and financial services
- Energy
- Health
- Insurance
- Marine, trade and energy
- Media, entertainment and sport
- Public and voluntary sector
- Retail
- Services for individuals
- Travel and leisure
- Utilities



Contacts

Sheffield

Andrew Peel
Head of Independent Healthcare
+44 (0)114 229 7988
+44 (0)7920 218 267
andrew.peel@hilldickinson.com

Alun Griffith
Partner
+44 (0)114 229 7923
+44 (0)7920 218 228
alun.griffith@hilldickinson.com

Liverpool

Emma Di Giacomo
Partner
+44 (0)151 600 8173
+44 (0)7969 917 041
emma.digiacommo@hilldickinson.com

Manchester

Lawford Martin
Head of Healthcare Property
+44 (0)161 817 7311
+44 (0)7715 376 636
lawford.martin@hilldickinson.com

Rebecca Fitzpatrick
Head of Mental Health and Social Care
+44 (0)161 817 7296
+44 (0)7711 241 715
rebecca.fitzpatrick@hilldickinson.com

London

Angela Horne
Partner
+44 (0)20 7280 9264
+44 (0)7961 107 518
angela.horne@hilldickinson.com

About Hill Dickinson

The Hill Dickinson Group offers a comprehensive range of legal services from offices in Sheffield, Liverpool, Manchester, London, Chester, Piraeus and Singapore. Collectively the firms have more than 1,300 people including 190 partners.

Hill Dickinson is a major force in healthcare law and has award-winning employment, energy, property and construction practices. It is widely regarded as a leader in the fields of insurance, professional risks, commercial litigation, company and commercial, intellectual property and wealth management. The firm's marine expertise is internationally renowned with one of the largest marine practices in the world.

HILL DICKINSON



WINNER

National law firm of the year
Legal Business Awards 2010

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