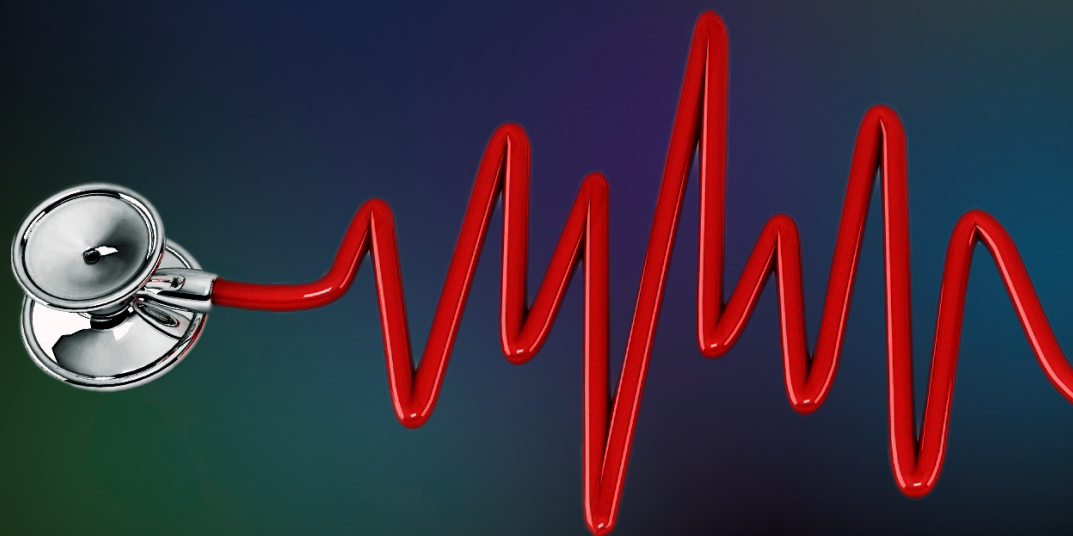


HILL DICKINSON



LEGAL SERVICES FOR OFFENDER HEALTHCARE

LEGAL SERVICES FOR OFFENDER HEALTHCARE: supporting you with practical advice

For those providing health and social care to offenders, clear, quick, pragmatic advice is essential when a legal issue arises. Hill Dickinson's specialist offender health team is dedicated to providing you with the first class service you need; resolving issues with speed, professionalism and efficiency.

Experience and expertise



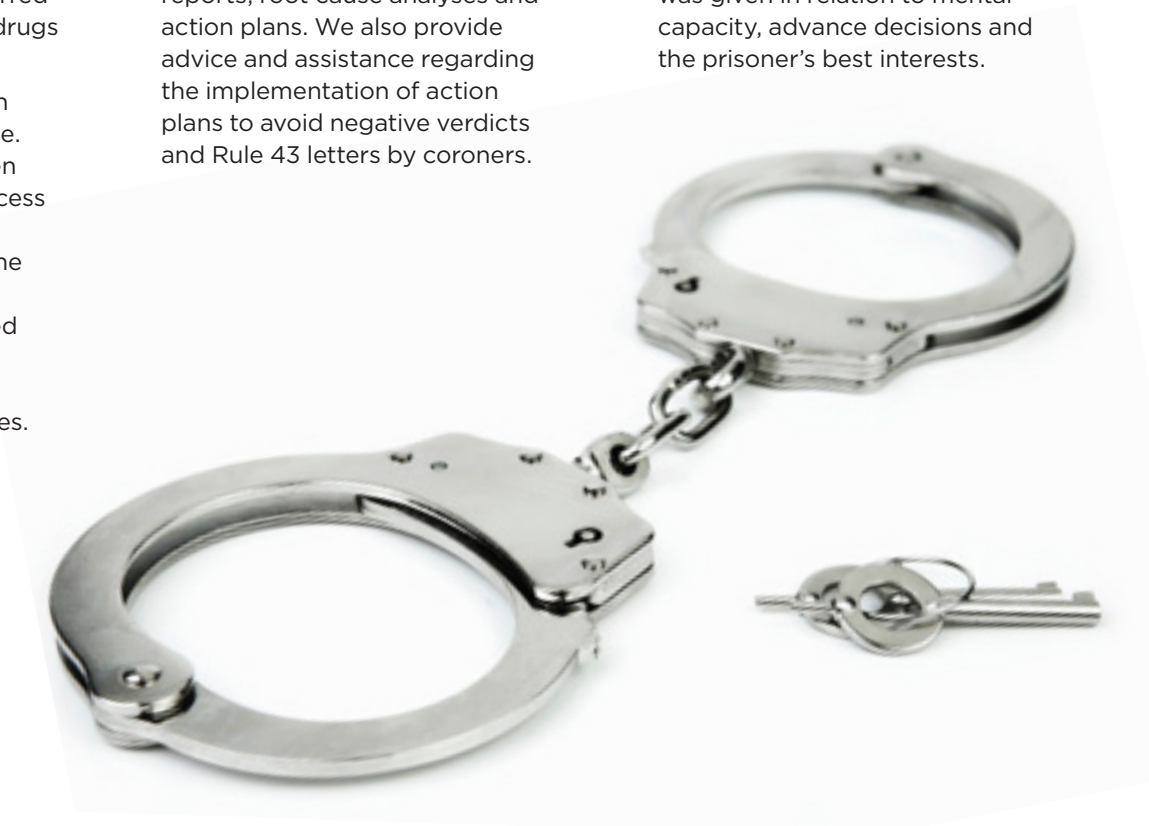
Using our wealth of experience and expertise, our dedicated team of specialist healthcare lawyers is uniquely positioned to advise and support NHS trusts in England and Wales on the full range of legal issues associated with providing offender healthcare:

- Handling inquests and advocacy
- Requests for disclosure of information relating to detained patients
- Litigation and managing clinical negligence claims
- Corporate manslaughter
- Information sharing, including between prison and healthcare staff in a custodial setting
- Managing complex prisoners who are at risk of self-harm
- Hospital transfers under Section 47 orders
- The interface between offender health and mental health
- The impact of Prison Service Orders (PSOs) and Prison Service Instructions (PSIs)
- Handling investigations by the Prison and Probation Service Services Ombudsman
- The Mental Health Act 1983
- The Mental Capacity Act 2005
- The interface between the Mental Capacity Act 2005 and the Mental Health Act 1983
- Advance decisions
- Health and social care policies, including drafting policies and procedures
- Best interests and Court of Protection, for example treating prisoners on hunger strike
- Complaints procedures and drafting responses
- Human rights issues
- Risk assessments
- Data Protection Act 1998 and Freedom of Information Act 2000
- Continuing healthcare, particularly in relation to substance misuse
- Prison estates including leases, licences and building regulations
- Disability discrimination
- Equality and diversity
- Employment law issues

Track record

Our recent experience in offender healthcare:

- Hill Dickinson's offender health team has dealt with numerous inquests, for example, a case where a prisoner was transferred to hospital after swallowing drugs passed to him during a visit. The coroner called more than 40 witnesses to give evidence. Support and advice was given throughout the complex process of preparing for the inquest, including representation at the inquest hearing and a media relations strategy. We assisted the NHS trust in utilising the lessons learned to improve services and to amend policies.
- We frequently advise NHS trusts on responding to the ombudsman's draft reports and producing SUI reports, root cause analyses and action plans. We also provide advice and assistance regarding the implementation of action plans to avoid negative verdicts and Rule 43 letters by coroners.
- We have provided advice regarding the legal options in treating a prisoner on hunger strike. Advice was given in relation to mental capacity, advance decisions and the prisoner's best interests.



- As an NHS Litigation Authority panel firm, we have a wealth of experience defending pre-action and litigated claims involving clinical negligence, as well as employer's and public liability personal injury actions on behalf of NHS trusts. We are able to provide a joined-up approach to ensure that any claim for compensation arising out of injury to, or the death of a patient is handled and investigated in conjunction with other forums of legal inquiry, such as an inquest.
- Often, the provision of healthcare in the prison environment involves investment of capital and resources by both health and prison providers. We are experienced in protecting the capital investments and legal interests of such bodies and can advise upon and produce the relevant licence, lease and service level agreements required between the health and prison provider, relating to healthcare facilities located within the prison estate.
- We are experienced in providing advice on planning agreements and environmental issues. We can draft construction and building contracts, advise in relation to landlord and tenant disputes, and deal with and advise upon the acquisition and disposal of the prison/healthcare estate, including projects/ PPP and NHS LIFT schemes.
- Our team of specialist NHS employment lawyers has knowledge and experience of providing up-to-date and tailored advice to organisations providing healthcare to offenders. We have advised trusts on their obligations arising from a TUPE transfer of staff from the Prison Service, and also provided step-by-step advice to a trust implementing a large scale redundancy exercise. We have assisted on complex and sensitive disciplinary matters resulting from incidents in prison and where there is a concurrent police investigation.
- We have supported a trust in its response to a collective grievance from staff over pay and guided them through the difficult process of changing terms and conditions. Immediate and urgent advice was provided in response to possible industrial action at the prison, and we helped the trust take steps to avoid strike action and the impact that this would have.

Sharing knowledge

Training

As well as comprehensive legal advice, we are able to provide training on all aspects of offender healthcare in various formats. We offer bespoke training to senior executives and managers, as well as individual clinicians and practitioners working at every level within the organisation.

Executives and managers have a need to understand the legislative framework they are required to comply with as an organisation (on corporate manslaughter, for example). The training we provide in this area makes the topic simple and easy to understand, incorporating relevant studies and examples to put the legislation into context, rather than simply lecturing on the law.

We understand that the training needs of clinicians and practitioners will vary from those at management level. Our training sessions can be tailored to meet the specific requirements of participants, meaning that each individual gains the right level of understanding from the training content.

Legal updates

In addition to the training we provide, we distribute regular newsletters and email briefings to our clients, which provide free updates on the relevant areas of law which impact on the day-to-day work and responsibilities of those providing health and social care, including the sphere of offender health.

Feedback

Delegates from our previous training have commented:

“A useful and thoroughly enjoyable seminar”

“Very insightful”

“Exceeded expectations”

“Excellent presentations with useful information”



Complimentary seminars

Throughout the year, we provide a range of free seminars and workshops focusing on different areas of legal practice in the health and social care field. These include breakfast networking meetings, which are designed to provide opportunities for discussion on particular cases or in particular areas of law, and informal training sessions, incorporating complimentary legal advice clinics. Our seminars also offer the opportunity to network with other colleagues and peers, and share best practice.

We have previously hosted an afternoon tea training session providing training on preparing for inquests and handling investigations by the Prison and Probation Services Ombudsman (PPO), the legal risks of managing patients with mental health problems in a detention setting (including self harm and suicidal ideation), advance decisions under the Mental Capacity Act 2005, court skills, covering the preparation of witness statements, and how to give evidence.

The expertise of the team has been recognised in:

‘Joanna Trewin is admired for her ability to remain “fantastically calm in a crisis.” She acts for NHS bodies at coroner’s inquests and has a niche practice in offender healthcare matters.’

Chambers & Partners 2010 independent guide to the UK legal profession

‘The “helpful and supportive” Joanna Trewin leads a niche team advising on death in custody cases...’

The Legal 500 2010 independent guide to the UK legal profession

Bespoke training packages

Our comprehensive training packages, priced irrespective of delegate numbers, cover the following topics of interest for offender healthcare:

Mental health – capacity, best interests and hospital transfers

This training session focuses primarily on the Mental Capacity Act 2005 and includes assessing capacity and best interests, ensuring informed consent and the interaction with the Mental Health Act 1983. This session uses case studies and can be tailored to meet the needs of the participants.

1 hour session	£500 plus VAT
3 hour session	£1,000 plus VAT

Inquests – the ombudsman, the police, and the coroner

This is an informative training session on the general remit and operation of an inquest and the new legislation. This session can be tailored to suit the participants and can incorporate a mock inquest if required.

1 hour session	£500 plus VAT
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Mock inquest/inquest training day

We can provide an interactive mock inquest to give an insight into how an inquest hearing operates. This will be based on a predetermined case study, with the various roles being acted out. Discussions will take place at set stages throughout the mock inquest and at the end after the verdict is given.

Full day training session (9:00 - 16:00)
£2,000 plus VAT

Data Protection Act 1998/Freedom of Information Act 2000

This three hour session covers the various aspects of DPA/FOI, with particular focus on access to health records, information sharing and record-keeping obligations. The session will include case studies, to illustrate the principles outlined and to encourage discussions.

1 hour basic session
(not including case studies)

£500 plus VAT

3 hour session

£1,000 plus VAT

Preparing for court – drafting witness statements and giving evidence

This two hour practical session looks at drafting witness statements for court, including for civil claims and inquests. The session will also provide tips on giving evidence in court and how to respond to difficult questions from families and lawyers, including how to prepare before the hearing.

2 hour session

£750 plus VAT

Defensible documentation

A two hour session covering record keeping, the pitfalls, and what you should and should not record. Through case studies, we will look at the importance of accurate recording, keeping in the context of continuity of care and giving evidence in court.

1 hour session

£500 plus VAT

Corporate manslaughter

From April 2011, the Corporate Manslaughter and Corporate Homicide Act 2007 will apply to prisons. In this session, we provide training and advice on the implications of the legislation.

1 hour session

£500 plus VAT

Hill Dickinson offer bespoke training sessions, tailored in content and duration to your organisation's specific requirements. Please do not hesitate to contact a member of our team to discuss your requirements.

The complete legal solution

As a long-standing provider of legal services to the health sector, Hill Dickinson understands the key issues and motivators facing healthcare organisations.

With specialists in all areas of healthcare law, ranging from inquests to procurement and property to criminal matters, we offer practical, timely advice and a proactive response to all matters leading to early resolution and a reduction in legal costs.

We act for more than 100 healthcare organisations and appreciate the importance of providing immediate access to high quality legal advice on diverse health issues in the NHS and independent healthcare sectors.

Specialisms

- Care standards
- Child protection
- Clinical negligence
- Coroners' inquests
- Corporate governance
- Dental law
- Employers' and public liability claims
- Energy solutions
- Foundation trusts
- Health and safety, criminal and corporate manslaughter
- Healthcare
- Independent health
- Information governance
- IP and IT
- Mental health
- NHS commercial services (including procurement and contracts)
- NHS contracts
- NHS employment
- NHS property
- Primary care contracts
- Primary care regulatory
- Projects (including PFI and PPP)



Contacts

For further details of Hill Dickinson's offender health capabilities, or to arrange a meeting with one of our specialist lawyers, please contact:

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About Hill Dickinson

The Hill Dickinson Group offers a comprehensive range of legal services from offices in Liverpool, Manchester, London, Chester, Sheffield, 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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