

A practical five-day course from **The At Work Partnership** designed to provide occupational health professionals with an in-depth understanding of occupational health law at work

qualification



Certificate in Occupational Health Law

Part one: 27-29 September 2017

Part two: 14-15 November 2017

Central London

Course director: Prof *Diana Kloss*, barrister

This degree-level module is accredited by Glasgow Caledonian University.

Successful completion of academic requirements will confer points at Scottish Credit Qualifications Framework Level 10



CPD:
Self-certification schemes: 29 hours

ELCAS Scheme:
Contact us for details

An important qualification from
The At Work Partnership



Module 1: The legal system
Prof Diana Kloss, barrister

Module 2: Criminal law of health and safety at work
Mike Appleby, Bivonas Law

Module 3: Employment law – statutory rights
*Nick Hanning,
Dutton Gregory LLP*

Module 4: The law of contract: occupational health
*Charles Redfearn,
lawyer*

Module 5: Liability of the OH professional
Prof Diana Kloss, barrister

Module 6: Discrimination law
*Nick Hanning,
Dutton Gregory LLP*

Module 7: Disability at work
Chris Cox, Royal College of Nursing

Module 8: Fitness for work
Prof Diana Kloss, barrister

Module 9: OH reports and tribunal legal procedure
Diana Kloss, barrister and Nick Hanning, Dutton Gregory LLP

Module 10: Liability of the employer for personal injury
Nick Hanning, Dutton Gregory LLP

Delegates at our previous courses said:

“Excellent course. Great overview of the legal issues relating to OH practice for both OH professionals and stakeholders”
Jon Coneybeare, BAE Systems

“Excellent course... Interesting and stimulating”
Dr Asim Suleman, Mayfield Health Solutions Ltd

“Excellent, valuable course for all OH professionals”
Roz O’Neil, Head of Occupational Health, Oxford Health NHS Foundation Trust

“An excellent overview of OH Law relevant to everyday practice”
Dr Elizabeth Wright, Abermed Group Ltd

Certificate in Occupational Health Law

A practical five-day course designed to provide occupational health professionals with an in-depth understanding of OH law at work. This qualification will provide you with a detailed comprehension of the full scope of your legal responsibilities – so that you can ensure that your work, and the work of your department, is fully compliant with legislation and case law in the areas of occupational health, health and safety, disability and relevant employment law.

The course brings together some of the top experts in their fields. Prof Diana Kloss, the course director, is a leading authority on OH law, and is renowned for her clear explanations and expert guidance. Four senior legal experts join Diana in lecturing on the course, providing specialist contributions on different aspects of OH law.

The outstanding subject knowledge and easily accessible presentations of the lecturing team will ensure that you come away with a detailed knowledge and understanding of your occupational health legal responsibilities, and how to meet these in practice. The course lectures are supplemented by in-depth case discussions, where students learn how to apply the law to a range of workplace scenarios.

Who is the course designed for?

The course is designed for occupational physicians, occupational health nurses, case managers, health and safety managers and human resources managers.

About The At Work Partnership

The At Work Partnership provides specialist professional development courses for occupational health professionals, including three highly regarded training courses, the *Certificate in OH Case Management*, which is also accredited by Glasgow Caledonian University, as well as the *Certificate in Managing OH Services*, and the *Certificate in CBT Skills for OH Professionals*, which are run with the support of Brunel University. In addition, we publish the journal *Occupational Health [at Work]* which provides accurately written legal, practical and management occupational health information.

About our expert tutors

Prof Diana Kloss MBE – the course director

Diana is a barrister, former employment judge and honorary senior lecturer in OH Law at the University of Manchester. Her publications include *Occupational Health Law* (5th edition, Wiley Blackwell, 2010) and *Discrimination Law and Occupational Health Practice* (At Work Partnership, 2012). She is an honorary fellow of the Faculty of Occupational Medicine, an ACAS arbitrator, chair of the Council for Work and Health, and is a visiting professor at London South Bank University.

Mike Appleby

Mike Appleby is a partner at Bivonas Law, specialising in health and safety law. He defended the maintenance arm of Balfour Beatty when it was acquitted of manslaughter in respect of the Hatfield train derailment. In 2007, he represented the managing director in the leading Court of Appeal decision on directors' health and safety duties: *R v P Ltd and G.*

Chris Cox

Chris is a solicitor and is director of membership relations at the Royal College of Nursing. Previously, he was the director of legal services, and head of the in-house employment, immigration and

How will gaining this qualification benefit you and your organisation?

You will gain:

- A comprehensive knowledge of key occupational health legal issues, from medical confidentiality and fitness for work to equality law, employment law and the liability of the OH professional and the employer.
- Guidance on tribunal legal procedure and on writing effective OH reports for legal proceedings.
- An understanding of how to apply the law to different workplace scenarios and put it into context.

Assessment and certification

There are two forms of assessment, as follows:

- During the course, at the end of each module, students will provide written answers to questions relating to that particular module.
- In the three months following the course, students will undertake a 4,000-word written assignment, demonstrating their understanding of occupational health law and their ability to apply it in a given workplace scenario.

Students who successfully complete the above will be awarded the *Certificate in Occupational Health Law*, which is accredited by Glasgow Caledonian University (GCU).

Students registered with GCU will gain 20 points at Scottish Credit Qualifications Framework Level 10.

indemnity law units. He is a regular speaker on employment law and medico-legal topics, and has contributed legal articles to nursing and health journals.

Charles Redfearn

Charles Redfearn is a lawyer specialising in contract and commercial law. He has spent most of his career in commercial legal practice and was previously Deputy General Counsel at a central government department, with responsibility for drafting, and advising on, procurement and employment contracts. He has previously worked as a law lecturer and has designed and delivered numerous in-house legal training courses.

Nick Hanning

Nick Hanning is a consultant and personal injury and employment lawyer with Dutton Gregory LLP where he specialises in psychiatric injury claims especially those involving bullying and harassment or occupational stress. Nick acted for the claimant in the seminal case of *Majrowski v Guy's and St Thomas's NHS Trust*, and also in a separate case that resulted in the largest ever employment tribunal award of £4.5 million. Nick is a past president of the Chartered Institute of Legal Executives.

Programme: Part one – 27-29 September 2017

DAY 1: WEDNESDAY 27 SEPTEMBER 2017

9.45 Registration

10.00 Module 1: The legal system

Prof Diana Kloss, barrister

- Sources of law: precedent and legislation
- EU law and the European Convention on Human Rights
- Criminal and civil law • Burden of proof • Courts and tribunals
- Judicial review • How to find legal materials

12.30 Lunch

13.15 Module 2: Criminal law of health & safety at work

Mike Appleby, Bivonas Law

- The Health and Safety at Work etc Act and its Regulations
- Approved Codes of Practice and HSE guidance
- Rights of trade unions and safety reps
- Competent advice • Enforcement of H&S law
- Manslaughter and corporate killing • Sentencing

16.15 Close of day and course drinks reception

DAY 2: THURSDAY 28 SEPTEMBER 2017

8.45 Registration

9.00 Module 3: Employment law – statutory rights

Nick Hanning, Dutton Gregory LLP

- Contracts of employment: difference between employees, workers and the self-employed • Zero hours contracts
- Unfair dismissal • Disciplinary, grievance and capability procedures
- Pay • Working Time Regulations • Family friendly rights

12.45 Lunch

13.30 Cases on employment law

Practical group work on the legal and management implications of cases

Programme: Part two – 14-15 November 2017

DAY 4: TUESDAY 14 NOVEMBER 2017

9.00 Registration

9.15 Module 7: Disability and ill health at work

Chris Cox, Royal College of Nursing

- Equality Act and Code of Practice
- Definition of disability
- Discrimination by association and perceived discrimination
- Disability-related discrimination – absence management, capability procedures and sick pay
- Reasonable adjustments
- Justification and health and safety
- Management's knowledge of disability
- Public sector duty

12.00 Cases on disability discrimination law

Practical group work on the legal and management implications of cases

13.00 Lunch

13.45 Module 8: Fitness for work

Prof Diana Kloss, barrister

- Fitness for work • Pre-employment screening
- Health surveillance • Drug and alcohol screening
- Pregnancy at work
- Age discrimination and compulsory retirement

16.15 Optional legal Q&A session

Your chance to get pre-submitted and live legal queries answered

16.30 Close of day

14.30 Module 4: The law of contract: occupational health

Charles Redfearn, lawyer

- How is a contract made? Offer, acceptance and consideration
- Oral and written agreements • Express and implied terms
- Incorporation of handbooks, policy documents and collective agreements • Restrictive covenants • TUPE
- Contracts for OH service provision

16.30 Library and assignment

17.00 Close of day

DAY 3: FRIDAY 29 SEPTEMBER 2017

8.45 Registration

9.00 Module 5: Liability of the OH professional

Prof Diana Kloss, barrister

- Legal and ethical duties • Negligence
- Confidentiality, consent and data protection
- Discrimination • Access to medical reports

12.15 Lunch

13.00 Cases on the liability of the OH professional

Practical group work on the legal and management implications of cases

14.00 Module 6: Introduction to discrimination law

Nick Hanning, Dutton Gregory LLP

- The Equality Act and concepts of discrimination
- Direct and indirect discrimination • Choice of comparator
- Justification for indirect discrimination • Victimisation
- Drawing inferences and burden of proof

16.00 Close of day

DAY 5: WEDNESDAY 15 NOVEMBER 2017

8.45 Registration

Module 9: OH Reports and tribunal legal procedure

09.00 Part one: Tribunal legal procedure

Prof Diana Kloss, barrister

- The route to the tribunal – claims, responses, limitation and case management
- Mediation and out-of-court settlements
- The judge, lay members and legal team • Procedure
- Expert witnesses and witnesses of fact
- Sanctions • Appeals • Tribunal fees
- Differences between civil courts and employment tribunals

11.00 Part two : OH reports in legal proceedings

Nick Hanning, Dutton Gregory LLP

- Writing an OH report • Writing a witness statement
- What tribunals like to see – and don't like to see – in OH reports
- Preparing for tribunal

13.00 Lunch

13.45 Module 10: Employers' liability for personal injury

Nick Hanning, Dutton Gregory LLP

- Basic principles of liability
- Vicarious liability
- Stress-related illness
- Harassment at work
- Defences • Compensation and insurance

16.00 End of course

Booking Form

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A B C D E F G

Please book places for _____ delegate(s), at the rate of:

Early bird rate: for bookings made and paid before 15.8.17 – **SAVE £200!**

- £1699 + VAT (£2038.80) per delegate or
 £1499 + VAT (£1798.80) per delegate,
reduced rate for NHS Health at Work network members

Main rate: for bookings paid after 15.8.17 – **SAVE £200!**

- £1899 + VAT (£2278.80) per delegate or
 £1699 + VAT (£2038.80) per delegate, reduced rate
for NHS Health at Work network members

Delegate details

Title	First name	Surname
Main e-mail address		
Preferred e-mail address for information about course work		
Date of birth	Gender <input type="checkbox"/> M <input type="checkbox"/> F	Nationality
Position	Organisation	
Address		
Postcode	Tel	

Registration with Glasgow Caledonian University (GCU): Your contact details, as set out on this booking form will be automatically forwarded to GCU, in order that they can begin the process of setting you up on their system. Registration with GCU is essential in order to gain the academic credits associated with this course, if you are undertaking the assignment to gain the Certificate in OH Law. If you do NOT want your contact details sent to GCU, please tick here

Cancellation and transfer policy: For cancellations received in writing 28 days or more before the course commences, we will provide a refund, less a 10% cancellation fee. If the cancellation is received less than 28 days before the course start date, no refund will be made. At any time before the course commences, we will accept an alternative delegate from your organisation. Refunds are not available to delegates who fail to attend after confirming a booking. Subject to a £75 administration fee, transfers to future *Certificate in Occupational Health Law* courses can be arranged, for transfer requests received 28 days prior to the start date of the course booked. After this time, transfer requests cannot be accommodated.

I have read and agree to the cancellation terms: Authorised signature _____
(This booking is not valid unless signed)

Administration

Venue

This course will be held at a hotel or training centre in central London. Details to be confirmed in your course administration details. **The course fee includes lunch, documentation and refreshments.**

Attendance requirements

Delegates must attend a minimum of 80% of the course. If you anticipate that any one of the course dates may present a problem, please contact us – as missing more than one day (or the equivalent in hours through very late arrivals etc) will disqualify students from gaining the Certificate.

Booking procedure

Due to high levels of interest in this course, we recommend the following procedure for bookings:

1. Please call us on 0345 017 6986 or 0208 344 2328 to reserve a no-obligation provisional place.
2. If places are available, we will hold a provisional place for you for a maximum of 30 days.

Course administration details

Please contact us if you do not receive written confirmation of your booking within two weeks of making the reservation. Details of the venue, a map and any final information will be sent to paid delegates approximately four weeks before the course. If you have not received these two weeks before the event, please telephone 0345 017 6986, or e-mail: conferences@atworkpartnership.co.uk

This programme was correct at time of going to press. In unavoidable circumstances, we reserve the right to change or cancel this event. If we do need to cancel this event, our liability is limited to a refund of fees.

Payment information

Course price: £1899 + VAT per delegate. Bookings made and paid by 15.8.17 will be charged at the Early Bird Rate of £1699 + VAT per delegate. Bookings paid after 15.8.17 will be charged at the higher main rate.

There is a discount for NHS Health at Work network members.

Payment can be made:

- By cheque – payable to The At Work Partnership Ltd
- By BACS – please contact us for our bank details
- By credit card – Expiry date _____ / _____ 3 digit security no. _____
Card No. _____ / _____ / _____ / _____

If you complete credit card details on this form, please return the form by post not email. Alternatively, please telephone us with your credit card details.

Special requirements: If you have any special needs, please let us know in advance and we will be delighted to try and help.

Hotel accommodation: Hotel accommodation at preferential rates can be arranged through Venuehunt. Tel: 01722 500675. Online: www.venuehunt.co.uk

In order to process this booking, your details will be held on our system. We would like to keep you informed of future relevant events and information from **The At Work Partnership** by post, phone or e-mail. Please contact us if you do not want to be kept up-to date with this information.

BOOK NOW and return your completed form to:
Post: The Registration Secretary, The At Work Partnership Ltd, 3 Woodfield Way, Bounds Green, London N11 2NP
Telephone: 0345 017 6986 or 0208 344 2328 **e-mail:** conferences@atworkpartnership.co.uk