

A new one day seminar from The At Work Partnership in association with the journal *Occupational Health [at Work]*

TRAINING



Medical confidentiality, GDPR and consent

Monday 13 May 2019
Central London

A one-day seminar from The At Work Partnership providing an essential update on the most recent legal and professional developments in the areas of protecting medical confidentiality, ensuring that valid consent is obtained, and managing data protection and medical records.

Chaired by: *Dr John Ballard*, editor of *Occupational Health [at Work]*

With: *Prof Diana Kloss*, *Nick Hanning* and *Dr Steve Boorman*

CPD:
Self-certification schemes:
5 hours

Additional CPD can be gained after the event via our CPD scheme.



Quality conferences at value for money prices

- > The GDPR, medical reports and OH records
- > Consent and confidentiality in OH
- > Managing difficult GDPR scenarios in OH practice
- > Obtaining 'fully informed consent' in occupational health
- > Confidentiality and disability



Programme

9.00 Registration and coffee

9.15 Welcome and introduction

Dr John Ballard, Occupational Health [at Work]

9.25 The GDPR, medical reports and OH records

Nick Hanning, Anthony Gold Solicitors

- Data protection principles and requirements – the GDPR and *Data Protection Act 2018*
- Records and reports – what's the difference?
- The *Access to Medical Reports Act 1988* and its relevance to OH
- Statutory health surveillance – the difference between health records and clinical records
- How long should the information be stored?
 - Statutory health surveillance
 - GDPR requirements
 - Pre-employment health information
- Subject access requests
- What happens to health records...
 - ...when an employer goes out of business or is bought by another firm?
 - ...a new OH provider is appointed?

10.15 Consent and confidentiality in OH

Prof Diana Kloss, barrister

- Consent and confidentiality
 - Common law principles
 - Update on the latest GMC, NMC and FOM guidance
 - Professional practice – role of the health regulators
 - Non-clinicians in the OH team
- How long is consent valid?
- OH response when consent is withdrawn
- Is consent always needed?
 - Consent in statutory health surveillance
 - Breaching confidentiality – 'in the public interest'
 - Court orders ○ Public health
- Blanket consent statements – are they lawful?
- Implications of the Glasgow Bin Lorry accident inquiry for ensuring fitness for work and fitness to drive

11.10 Coffee

11.30 Managing difficult GDPR scenarios

Nick Hanning, Anthony Gold Solicitors

In this interactive session, a series of case studies takes you through different scenarios from OH practice.

You will learn:

- The importance of careful drafting of policies and consent forms
- Systems and procedures you should have in place
- How best to manage a difficult subject access request – and the implications

12.30 Legal and practice Q&A

Your chance to put your queries to our experts

12.55 Lunch

14.00 Obtaining 'fully informed consent' in OH

Dr Steve Boorman, Empactis

- When is consent 'fully informed'?
- Is the consent freely given?
- Oral or written?
- Telephone consultations
- Consent for the referral and for the report
- Obtaining information from other healthcare professionals and deciding when this is appropriate
- Consent at pre-employment (when a job depends on a satisfactory health clearance)
- Encouraging appropriate disclosure

14.50 Tea

15.10 Confidentiality and disability

Prof Diana Kloss, barrister

- Who is protected on grounds of disability?
- Knowledge of disability
 - Knowledge and reasonable adjustments
 - What if the employer says it doesn't want to know?
- Discrimination because of something arising in consequence of a disability
- Managing the complex relationship between medical confidentiality and providing appropriate support

16.00 Final questions

16.10 Close of conference

About The At Work Partnership

Dedicated to bringing high quality, good value conferences and courses to OH and allied health professionals, H&S and HR managers, **The At Work Partnership** researches the subjects that really matter to professionals in your field, and sources speakers who are true subject experts. We ensure that each conference is of the highest quality, and provide you with useful documentation, highlighting resources for additional learning. All delegates receive a Certificate of Attendance and can gain additional CPD by

participating in further learning after the conference/course, via The At Work Partnership's CPD scheme.

We also publish the journal *Occupational Health [at Work]* as well as a new online service, *OH Law Online*, and we produce two free OH email newsletters, one focusing on OH law, and the other on general OH news.

Visit www.atworkpartnership.co.uk to get your copies and find out more.

Medical confidentiality, GDPR and consent

Medical confidentiality and consent are absolutely essential elements of occupational health practice, but can also be among the most challenging issues to manage. Getting it right can ensure a smooth-running service that gains and maintains the trust of both employees and employers. But getting it wrong can leave both the OH service and its professionals vulnerable to legal and regulatory action, and for commercial services a loss of contracts on which their business depends.

New data protection requirements brought in by the EU General Data Protection Regulation (GDPR) and the *Data Protection Act 2018*, as well as updated guidance from the General Medical Council on handling patient information, and the latest ethical guidance from the Faculty of Occupational Medicine all require robust systems to ensure that consent and confidentiality are properly managed.

This one-day seminar from **The At Work Partnership** provides a detailed breakdown of the legal and practice aspects of consent and confidentiality with authoritative analysis from our panel of leading experts.

This seminar includes a chance to put your knowledge into practice, learning from case study scenarios on complex areas of the GDPR and on managing data protection and medical records. There is also a special legal session on managing confidentiality in the context of disability. Our interactive legal surgery will ensure that you have plenty of opportunity to ask questions of our specialists.

This is an important training day for OH professionals with responsibility for medical confidentiality, for managing consent and for applying the GDPR and data protection legislation at work.

How will attending this training day benefit you?

You will gain:

- Guidance on your legal and professional obligations to protect medical confidentiality and ensure that consent is valid
- Practical and legal advice to ensure continued compliance with the General Data Protection Regulation and *Data Protection Act 2018*
- Insight into how well your organisation currently manages some of the trickier aspects of the GDPR – via our case studies
- An understanding of how to best manage confidential information in the context of disability at work
- A chance to network with speakers and other delegates

This event is designed for:

- OH professionals
- Allied health professionals

About our expert speakers

Dr John Ballard

John has been researching and writing on OH and disability issues for over 20 years. He edits *Occupational Health [at Work]* and jointly edited *Discrimination Law and OH Practice* (The At Work Partnership, 2012) with Diana Kloss. He is an honorary fellow of the Faculty of Occupational Medicine (FOM), and an honorary senior lecturer at the University of Birmingham's IOEM.

Nick Hanning

Nick is a specialist personal injury and employment lawyer with Anthony Gold Solicitors. Specialising in psychiatric injury claims, he acted for the claimant in the seminal case of *Majrowski v Guy's and St Thomas' NHS Trust*, and in a separate case resulting in an employment tribunal award of £4.5 million. He is past president of the Chartered Institute of Legal Executives.

Prof Diana Kloss MBE

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* (Wiley Blackwell), and she is consultant editor of The At Work Partnership's *OH Law Online*. Diana is an honorary fellow of the FOM, an ACAS arbitrator, and is honorary president of the Council for Work and Health.

Dr Steve Boorman CBE

Steve is director of employee health at Empactis. He is the former chief medical officer at the Royal Mail (21 years) and has managed four national OH services. He led the NHS Health and Wellbeing Review – *the Boorman Review* – and is now on the NHS Improvement HWB Advisory Board. He chairs the Council for Work and Health and the FOM's ethics committee.

Booking Form

Medical confidentiality, GDPR and consent Central London – Monday 13 May 2019

First delegate

Early bird rate for bookings paid **before** 31 March 2019

£299 + VAT (£358.80) per delegate – **save £80!**

Main rate for bookings paid **after** 31 March 2019

£379 + VAT (£454.80) per delegate

Title First name

Surname

e-mail

Position

Second delegate – save 25%

Early bird rate for bookings paid **before** 31 March 2019

£225 + VAT (£270.00) per delegate

Main rate for bookings paid **after** 31 March 2019

£280 + VAT (£336.00) per delegate

Title First name

Surname

e-mail

Position

Organisation details

Organisation

Address

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VAT No. (for overseas orders only)

To process your order, we keep your details securely on our database and we NEVER pass on your details to 3rd parties. We'd like to keep you updated about relevant events and information from the At Work Partnership. You can unsubscribe at any time by emailing info@atworkpartnership.co.uk. To receive our updates, please tick the boxes below:

- Yes – update via **post, email and phone**.
- Yes – by **post** (for training info and journal samples – usually 5x per annum).
- Yes – by **email** (for the free monthly OH email newsletter).
- Yes – by **phone** (we are very unlikely to call unless it is for a specific reason)
- No, please do NOT contact me via any method.

I have read and agree to the cancellation terms: Authorised signature

.....

(This booking is not valid unless signed)

Administration

Venue: The event will be held at a hotel or training centre in central London. Details will be confirmed in your administration details.

Bookings: Places can be booked by post, telephone, e-mail or online. In cases where your organisation's paperwork may take a couple of weeks to reach us, please telephone us on 0208 344 2328 to reserve a no-obligation provisional place.

Conference 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 two weeks before the event. If you have not received these one week before the event, please telephone us on 0345 017 6986 or 0208 344 2328, or e-mail conferences@atworkpartnership.co.uk

Cancellation policy: For cancellations received in writing 14 days before the event, we will provide a refund, less a 25% administration fee to cover administration costs. If the cancellation is received within 14 days of the event, no refund will be made, but we will accept an alternative delegate from your organisation. Refunds are not available to delegates who fail to attend after confirming a booking.

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

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

Payment information: Main Rate: £379 + VAT per delegate. Early Bird Rate: £299 + VAT per delegate for bookings received and paid for by 31 March 2019. (Bookings made by 31/03/19, but not paid by this date, will be charged at the higher rate). A 25% discount will apply to bookings made for 2nd and subsequent delegates from the same organisation, booked and paid at the same time.

Documentation, refreshments and a buffet lunch are all included in the price.

The fee must be paid in advance of the event. Invoices will be sent when a booking is received, and payment can be made:

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

N.B. Please do not email a PDF of this form with your credit card details

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.

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Post: The At Work Partnership Ltd, Office 1(i), Highstone House, 165 High Street, Barnet, EN5 5SU

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