

# qualification

## Practical OH Law Certificate

**28 – 30 April 2020, Central London**

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

Course director and lead tutor: *Prof Diana Kloss*, barrister

Other tutors include: *Nick Hanning*, Anthony Gold Solicitors, *Prof Alan Neal*, University of Warwick and *Emily Yeardley*, BakerLaw LLP

### CPD:

Self certification schemes: 17½ hours

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

An important qualification from **The At Work Partnership**



With the support of **Brunel University London**



- Introduction to OH law and the criminal law of health and safety
- Discrimination law: key concepts and legislation
- Consent, confidentiality and data protection in OH
- Disability discrimination
- Employment law and fitness for work
- Employment tribunals

Delegates on our 2019 course said:

*"Vital for OH professionals, should be mandatory training"*  
Dr Martin Tohill, Independent Chief Medical Officer

*"A very informative three days with expert knowledge, thought provoking and useful for practical application of law in OH context and related fields, thank you"*  
Rachel Trusler, South Wales Fire & Rescue Service HQ



# Programme

## DAY 1: Tuesday 28 April 2020

- 9.45 Registration and coffee**
- 10.00 Introduction to OH law and the criminal law of health and safety**
- Legislation and common law
  - Criminal law and civil law
  - European law and Brexit
  - Ethics of the health professions
  - Criminal law of health and safety
  - *Health and Safety at Work Act 1974*
  - *Management of Health and Safety at Work Regulations 1999*
  - Risk assessments
  - Statutory health surveillance
  - Mental health at work
  - Liability of employers
  - Liability of OH professionals
- 1.00 Lunch**
- 1.45 Discrimination law: key concepts and legislation**
- *Equality Act 2010*
  - Protected characteristics (principally age, sex, pregnancy and maternity, race, gender reassignment, religion or belief)
  - Direct discrimination
  - Indirect discrimination
  - Harassment
  - Victimisation
- 16.00 Law in practice group work**
- 16.30 Close of day and course drinks reception**

### Law in practice group work:

An opportunity to discuss the management and legal implications of cases in depth

## DAY 2: Wednesday 29 April 2020

- 8.45 Registration and coffee**
- 9.00 Consent, confidentiality and data protection in OH**
- The common law and the *Human Rights Act*
  - Principles of ethics relating to confidentiality, including the FOM guidance (2018) and GMC guidance on Confidentiality (2019) and Consent (2020)
  - Reporting to management: informed consent
  - Disclosure in the public interest
  - Data protection principles: *GDPR* and *Data Protection Act 2018*
  - Data controllers and data processors
  - Lawful bases for processing
  - *Access to Medical Reports Act 1988* and *Access to Health Records Act 1990*
  - The rights of the data subject
  - The right of subject access
- 11.45 Law in practice group work**
- 12.15 Course assignment**
- 12.45 Lunch**
- 1.30 Disability discrimination**
- The definition of disability: *Equality Act 2010*
  - Pre-employment screening
  - The employer's knowledge of disability (actual and constructive knowledge)
  - The duty of reasonable adjustment
  - Section 15 Equality Act: disability related discrimination
  - Protection of carers and flexible working
- 16.00 Law in practice group work**
- 17.00 Close of day**

## DAY 3: Thursday 30 April 2020

- 8.45 Registration and coffee**
- 9.00 Employment law and fitness for work**
- The definition of employee/worker/self-employed
  - The gig economy
  - Zero hours contracts
  - Certification of sickness absence and sick pay
  - The GP fit note
  - Statement of fitness for work
  - Conflict between OH and the GP
  - Unfair dismissal
  - Whistleblowing
  - The employer's duty of care
  - Compensation for work-related disease and injury
  - Vicarious liability
  - Employers' liability insurance
- 12.00 Law in practice group work**
- 12.45 Lunch**
- 13.30 Employment tribunals: procedure**
- Protecting yourself: keeping notes
  - Requests for confidential medical records when tribunal proceedings are contemplated
  - Legal professional privilege: criminal and civil law
  - Discussions with solicitors and preparing a statement for legal proceedings
  - What tribunals like to see – and don't like to see – in OH reports
  - Tribunal procedure in outline: limitation periods and referral to ACAS
  - Giving evidence
  - Out of court settlements
- 15.30 Legal Q&A**
- 16.00 End of course**

**About The At Work Partnership:** The At Work Partnership specialises in providing expert information to OH professionals. It runs a number of high quality, good value conferences as well as specialist professional development courses, mainly run with the support of Brunel University. These include the *Certificate in OH Case Management*, the *Certificate in Managing OH Services*, the *Certificate in CBT Skills for OH Professionals*, and the *Certificate in Managing Mental Health at Work*. In addition, we publish the journal *Occupational Health [at Work]*, and the online service *OH Law Online*.

**About Brunel University London:** The Department of Clinical Sciences is part of the College of Health and Life Sciences at Brunel University London. It specialises in courses that enable graduates and postgraduates 'to make a real difference to the world around them'. The Department has four divisions: i) Occupational Therapy and Community Nursing ii) Physiotherapy and Physician Associate iii) Social Work and iv) Health Sciences. Brunel University London aims to be a key part of health research in the UK. For more information, please visit [www.brunel.ac.uk/chls/clinical-sciences](http://www.brunel.ac.uk/chls/clinical-sciences)

# Practical OH Law Certificate

A practical three-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.

This qualification is organised by **The At Work Partnership** with the support of **Brunel University London**. 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. Other 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.

The course provides an updated, shorter, OH focused version of **The At Work Partnership's** highly regarded five day course, the *Certificate in OH Law*, which ran from 2008 – 2017. The content has been condensed to focus on topics of direct interest to the majority of occupational health professionals.

## Course materials:

In addition to extensive documentation, all delegates will receive free access to The At Work Partnership's OH Law online service for the three months following the course.

## Who is the course designed for?

The course is designed for occupational physicians, OH advisors and other professionals with an interest in OH law.

## 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 consent to disability discrimination, employment law and fitness for work
- Insight into the liabilities of the employer and OH professionals in criminal and civil law
- Advice on best practice and avoiding cases reaching an employment tribunal
- Guidance on tribunal legal procedure
- An understanding of how to apply the law to different workplace scenarios and put it into context

## Assignment and certification

Delegates must attend at least 80% of the course.

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 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 *Practical OH Law Certificate*.

## About our expert tutors

### COURSE DIRECTOR AND LEAD TUTOR

#### 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, 2010), and she jointly edited *Discrimination Law and OH Practice* (The At Work Partnership, 2010). She is consultant editor of *OH Law Online*. Diana is an honorary fellow of the FOM, an ACAS arbitrator, and she is honorary president of the Council for Work and Health.

For the *Practical OH Law Certificate*, Diana teaches half of the course content and is the course director and chair.

### OTHER TUTORS INCLUDE:

#### Nick Hanning

Nick is a specialist personal injury and employment lawyer and independent practice consultant with Anthony Gold Solicitors and Dutton Gregory LLP. He specialises in psychiatric injury claims and 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.

He is past president of the Chartered Institute of Legal Executives, and has lectured extensively on OH law, including on The At Work Partnership's *Certificate in Occupational Health Law* course.

#### Emily Yeardley

Emily is an associate solicitor specialising in employment law with BakerLaw LLP. Emily has a particular interest in advising on ill health and disability in the workplace and regularly speaks on this topic in addition to contributing to the At Work Partnership's journal and other publications.

Emily provides training and legal updates on employment law to OH and HR professionals and businesses, and has lectured on The At Work Partnership's *Certificate in Occupational Health Law* course. She also writes legal case notes for the journal *Occupational Health [at Work]*.

#### Prof Alan Neal

Alan is emeritus professor of law at the University of Warwick. He is a barrister with Cloisters Chambers and was previously an employment judge. A specialist in European, international & comparative employment law, he has served on expert committees for the Social Affairs Directorate of the European Commission for over 30 years, and as an independent expert for the International Labour Organisation. Alan advises national governments in the field of employment law and social policy, and is actively involved in the provision of specialised judicial training, both in the UK and abroad.

# Booking Form

## Practical OH Law Certificate 28 – 30 April 2020, Central London



A B C D E F G

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

### Early bird rate: for bookings paid before 31 March 2020

- £1325 + VAT (£1590) per delegate or  
 £1125 + VAT (£1350) per delegate, reduced rate for NHS Health at Work network members

### First delegate

Title \_\_\_\_\_  
First name \_\_\_\_\_  
Surname \_\_\_\_\_  
e-mail address \_\_\_\_\_  
Position \_\_\_\_\_

### Main rate: for bookings paid after 31 March 2020

- £1425 + VAT (£1710) per delegate or  
 £1225 + VAT (£1470) per delegate, reduced rate for NHS Health at Work network members

### Second delegate

Title \_\_\_\_\_  
First name \_\_\_\_\_  
Surname \_\_\_\_\_  
e-mail address \_\_\_\_\_  
Position \_\_\_\_\_

### Organisation details

Organisation \_\_\_\_\_  
Address \_\_\_\_\_  
Postcode \_\_\_\_\_  
Tel \_\_\_\_\_

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](mailto: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

12 Bloomsbury Square Training Centre, 12 Bloomsbury Square, London, WC1A 2LP. Tel: 020 7421 7444.

The fee includes lunch, documentation and refreshments.

#### Booking procedure

Due to high levels of interest in this course, please call us on 0345 017 6986 or 0208 344 2328 to reserve a no-obligation provisional place. We can hold this for a maximum of 30 days

#### Cancellation terms

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. Transfers to future courses can only be arranged up to 28 days prior to the start date of the course booked, subject to a £75 + VAT administration fee.

#### 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](mailto:conferences@atworkpartnership.co.uk)

#### Attendance requirements

Delegates must attend a minimum of 80% of the course. This is essential in order to undertake the assignment and gain the Certificate.

#### Payment information

Course price: £1425 + VAT per delegate (or £1225 + VAT for NHS Network members). Bookings made and paid by 31 March 2020 will be charged at the Early Bird Rate of £1325 + VAT per delegate (or £1125 + VAT for NHS Network members). Bookings made before 31/3/20, but not paid by this date, will be charged at the higher main rate.

#### 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. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

*N.B. Please do not email a PDF of this form 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.

**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.**

20/05

## BOOK NOW and return your completed form to:

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

**Telephone:** 0345 017 6986 or 0208 344 2328 **e-mail:** [conferences@atworkpartnership.co.uk](mailto:conferences@atworkpartnership.co.uk)

**Book online** [www.atworkpartnership.co.uk](http://www.atworkpartnership.co.uk)