

# qualification

## Practical OH Law Certificate

**26 – 28 June 2023 (Virtual)**

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 and *Emily Yeardley*, Couchman Hanson Solicitors

### CPD:

Self certification schemes: 17 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

Recent delegates 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

*“Delivered by a fantastic team of experts... this course has opened my eyes to many legal issues and has given me the confidence to apply theory to practice”*

Nicki Carver, Yorkshire Water

**SPECIAL OFFER**

Book and pay by 8 May 2023 and save up to **£100 +VAT!**

# Programme

**DAY 1: Monday**  
**26 June 2023**

**DAY 2: Tuesday**  
**27 June 2023**

**DAY 3: Wednesday**  
**28 June 2023**

## 9.55 Registration

## 10.00 Introduction to OH law and the criminal law of health and safety

**Prof Diana Kloss, barrister**

- 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

## 13.00 Lunch

## 14.00 Discrimination law: key concepts and legislation

**Nick Hanning,  
Anthony Gold Solicitors**

- *Equality Act 2010*
- Protected characteristics (principally age, sex, pregnancy and maternity, race, gender reassignment, religion or belief)
- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

## 16.15 Law in practice group work

## 16.45 Close of day

**Law in practice group work:**  
An opportunity to discuss the management and legal implications of cases in depth

## 8.55 Registration

## 9.00 Consent, confidentiality and data protection in OH

**Prof Diana Kloss, barrister**

- 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 Lunch

## 13.15 Disability discrimination

**Emily Yeardley,  
Couchman Hanson Solicitors**

- 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
- Flexible working

## 16.00 Law in practice group work

## 16.45 Close of day

## 8.55 Registration

## 9.00 Employment law and fitness for work

**Prof Diana Kloss, barrister**

- 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 Course assignment

## 13.05 Lunch

## 14.00 Employment tribunals: procedure

**Nick Hanning,  
Anthony Gold solicitors**

- 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

## 16.10 Legal Q&A

## 16.30 End of course

# 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 OH legal responsibilities, and how to meet these in practice. The lectures are supplemented by in-depth case discussions, where students learn how to apply the law to a range of workplace scenarios.

## 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*.

## 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

## Who is the course designed for?

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

## 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, 2020), and she jointly edited *Discrimination Law and OH Practice* (The At Work Partnership, 2010). She writes a regular column for The At Work Partnership's journal *Occupational Health [at Work]*.

Diana is an honorary fellow of the FOM, an ACAS arbitrator, and she is honorary president of the Council for Work and Health.

### OTHER TUTORS:

#### Nick Hanning

Nick is a specialist personal injury and employment lawyer and a consultant with Anthony Gold Solicitors. He is a fellow of the Chartered Institute of Legal Executives. 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. Nick is also a part time employment judge and deputy district judge in the county court. He lectures extensively on OH law for The At Work Partnership.

#### Emily Yeardley

Emily is a solicitor and is head of employment law at Couchman Hanson Solicitors. She advises employers and employees on all aspects of employment law and represents clients in Employment Tribunal proceedings on claims ranging from unfair dismissal to disability discrimination.

Emily has a particular interest in advising on ill health and disability in the workplace and provides training and legal updates for OH and HR professionals and businesses, and writes legal case notes for The At Work Partnership's journal *Occupational Health [at Work]*.

## 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]*.

## About Brunel University London:

Brunel University London's College of Health, Medicine and Life Sciences runs the NMC accredited Specialist Community Public Health Nursing (SCPHN) for entry on Part 3 of the NMC register for three pathways namely OH, Health Visiting and School Nursing. Part 3 registration is sought by many OH employers. The College prides itself on delivering high quality professional and public health education in line with the University's mission "to bring benefit to society through excellence in education, research and knowledge transfer".

Find out more at: [www.brunel.ac.uk/study/postgraduate/Specialist-Community-Public-Health-Nursing-PGDip-and-MSc](http://www.brunel.ac.uk/study/postgraduate/Specialist-Community-Public-Health-Nursing-PGDip-and-MSc)

[www.brunel.ac.uk/study/undergraduate/Specialist-Community-Public-Health-Nursing-BSc](http://www.brunel.ac.uk/study/undergraduate/Specialist-Community-Public-Health-Nursing-BSc)

# Booking Form

## Practical OH Law Certificate

26 – 28 June 2023. A Virtual Event



A B C D E F G

### Early bird rate:

For bookings paid **before 8 May 2023**

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

### Main rate:

For bookings paid **after 8 May 2023**

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

Title	First name	Surname
Position	Organisation	
Address		
Tel		
Email	VAT No. for overseas orders only	

**Printed documentation:** Printed documentation will arrive with paid delegates 3 working days before the event.

What is your preferred address for receipt of this documentation?

- My work/main address above  Alternative address below

Mobile no. (for documentation)	Email: (for zoom links)
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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

The event will be held on Zoom. Details will be sent in your administration details.

### Bookings

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.

### Course administration details

Please contact us if you do not receive written confirmation of your booking within two weeks of making the reservation. Zoom links will be sent to paid delegates approximately one week before the event. If you have not received these 3 days before the event, please telephone us on 0208 344 2328, or e-mail [conferences@atworkpartnership.co.uk](mailto:conferences@atworkpartnership.co.uk)

### Cancellation 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. Transfers to future courses can only be arranged up to 28 days prior to the start date of the course booked, subject to a £100 + VAT administration fee.

### Printed documentation

Printed documentation will be posted to arrive with paid delegates 3 working days before the event. Please provide a home address/preferred address above for receipt of this documentation.

### Zoom

If necessary, we can arrange rental of laptop/iPad for a small additional fee.

### Attendance requirements

Delegates must attend at least 80% of the course in order to undertake the assignment and gain the Certificate.

### 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

Course price: £1425 + VAT per delegate (or £1225 + VAT for NHS Network members). Bookings made and paid by 8 May 2023 will be charged at the Early Bird Rate of £1325 + VAT per delegate (or £1125 + VAT for NHS Network members). Bookings made before 8.5.23, but not paid by this date, will be charged at the higher main rate.

**Printed documentation will be sent to you by post and is 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.**

23/10 PLC

# BOOK NOW and return your completed form to:

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**Post:** Bookings, The At Work Partnership Ltd, Office 3A, 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 at [www.atworkpartnership.co.uk](http://www.atworkpartnership.co.uk)