

**Early bird discount: 15%  
off course fees when paid  
before 23 March 2018**



## **TWO DAY COURSE IN ESSENTIAL LEGAL SKILLS FOR OCCUPATIONAL HEALTH PROFESSIONALS**

**17 and 18 May 2018**

To be held at Legal Experience Training, No. 7 The Walmer Courtyard, 225-227 Walmer Road,  
Holland Park, London, W11 4EY.

Fee for the 2 days is £398 plus VAT – **Total fee £477.60** (£199 plus VAT per day).

**INFORMATION GOVERNANCE: CONFIDENTIALITY AND CONSENT:  
BEST PRACTICE RECORDS: EXCELLENCE IN REPORT WRITING: JUSTIFYING  
YOUR ADVICE AND RECOMMENDATIONS IN REPORTS TO MANAGEMENT  
AND IN LEGAL PROCEEDINGS**

### **Who is this course designed for?**

This course is designed for Occupational Health Professionals to equip them with the essential legal knowledge and skills to ensure that they are competent and confident to undertake their duties. The training supports the Information Governance standards as set out in the SEQOHS accreditation. This training will enable Occupational Health Professionals to meet legal compliance, regulatory and professional practice standards.

Delegates will learn about relevant legislation, regulations, guidance and protocol governing their practice. The training is designed to support safe and effective practice. Occupational Health Professionals frequently face difficult questions concerning confidentiality, consent and disclosure. They must also meet best practice standards in relation to occupational health clinical records, in particular recording matters concerning consent. These records may become the subject of Court Orders and be vital in the litigation process. Delegates are provided with detailed competency criteria for records, these are used during the training to identify the requirements of record keeping. Occupational Health Professionals are required to write reports for management. It is vital that these reports are clear, justifiable and actionable. These reports may also be scrutinised and challenged in internal complaints or disciplinary matters, tribunals, courts or other legal proceedings.

Delegates will be equipped with a toolkit of essential legal knowledge, practical skills and the confidence to meet best practice standards. The courses are fun, innovative and interactive with practical case studies, discussions and role play designed to equip delegates with “real life” experiences during the training.

### **Who delivers the training?**

The training will be delivered by a solicitor or barrister who is also experienced in delivering skills based interactive training. The Legal Experience Training tutors have a track record of delivering high quality interactive training in which delegates learn by doing and by experience.

## Day 1. Legal, Regulatory and Compliance Professional Standards

Occupational Health Professionals (OHP) are under a duty to keep up to date and to adhere to relevant legislation, case law, codes and policies in relation to information governance and record keeping. An Occupational Health Service (OHS) is responsible for ensuring that all members of their staff are competent to undertake their duties and understand their responsibility to protect confidentiality.

On this course delegates will consider their obligations in relation to the Human Rights Act and Data Protection Act as well as the GMC Guidelines and RCN guidance on consent in relation to disclosure of medical records/reports. An OHS must ensure that occupational health clinical records, wherever held or transported, are accessed, stored and disposed of safely and securely. It is absolutely vital that OHP understand what can go into a report to management based on the consent of the employee, as well as understanding the best practice procedure for obtaining informed consent. The principle of confidentiality will be explored in the context of pre-employment questionnaires, the Equality Act and Code 2010, court orders, statute and at common law.

### **Learning outcomes**

- Considering the principles in relation to record sharing, confidentiality, disclosure and data protection
- Understanding the legal duties of confidentiality; common law, contractual and statutory
- Considering and rationalising the meaning of confidentiality within the Equality Act/Code 2010
- Reviewing the ethical duty of confidentiality and best practice in obtaining informed consent
- Handling disclosure by consent, by law, in the public interest and in the case of serious risk.

## Day 2. Best Practice Records and Excellence in Report Writing

Best Practice record keeping by OHP is essential for safe and effective practice and to protect individuals and their organisation in the event of complaints, disciplinary matters, employment claims and civil litigation. An OHS must ensure that occupational health clinical records, wherever held, are maintained to standards which meet legal and professional practice recommendations. Best Practice records of the history, examinations, diagnosis, assessment, consent, arrangements, and follow up are essential. This audit trail is vital to support the recommendations made and to evidence the proper handling of confidentiality, data protection, consent and disclosure issues. Delegates will use competency criteria to assess clinical records to assist their own practice and to provide a vital audit tool.

OHP reports for management must address specific questions in management referrals. These reports require findings of fact, recommendations or opinion and provide the basis for decisions by the employer on the future action steps and adjustments in employment. It is vital reports are clear, justifiable and actionable. Additionally occupational health reports may be challenged in the legal process or in litigation and delegates will learn to write reports that clearly demonstrate the foundation of fact and reason for the action, advice or recommendations given. Delegates learn to structure a report to deal effectively with the issues to be addressed and provide supporting evidence of the reason behind their opinion. Delegates will consider different types of evidence such as records, tests, examinations, assessments, the workplace role and environment, research and the opinion of others such as Consultants or GPs that they rely on.

The course will consist of plenary sessions, exercises and role-play. It will be a very practical day and delegates will learn by reviewing records and reports. There will also be some practical cross-examination based on occupational health reports to demonstrate how these reports are scrutinised in the legal process.

### **Learning outcomes**

- Identifying the pitfalls in record keeping
- Understanding the legal obligations and duties in record creation, maintenance and disclosure
- Analysing the key stages in writing a report; issues, facts, assumptions and opinions
- How to provide a factual basis to justify advice, recommendations or opinions in the report
- Dealing with strengths and weaknesses in the facts
- How to write in a clear, concise and accessible manner
- Analysis of the structure, content and style of a report
- Practical exercises and critiquing of records and reports based on objective competency criteria to demonstrate best practice
- Experiencing cross-examination on records and reports to demonstrate how they are challenged.

