ESSENTIAL LEGAL SKILLS FOR OCCUPATIONAL HEALTH PROFESSIONALS

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 are these courses designed for?

These courses are 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 may also consider how to prepare for and give evidence in 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.

Ken Evans Head of Clinical Governance Santia “the best 2 days I’ve had in a while. Excellent”.

Dr Steve Boreman Medical Director Abermed. “Enjoyable, useful and informative; the tutor was knowledgeable, helpful and authoritative”
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) must ensure that their staffs are competent to undertake their duties.

On this course delegates will consider their obligations in relation to the Human Rights Act, Data Protection Act, and Access to Medical Records and the GMC Guidelines on consent in relation to disclosure of medical records/reports. An Occupational Health Service (OHS) must ensure that staff understand their responsibility to protect confidentiality. 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
- Understanding the ethical duty of confidentiality and consent
- Understanding best practice in obtaining informed consent to work effectively with both employee and employer
- Handling disclosure by consent, by law, in the public interest and in the case of serious risk
- Applying principles of consent and confidentiality to pre-employment questionnaires and dealing with reasonable adjustments lawfully.

Best Practice Records and Excellence in Report Writing for Occupational Health Professionals

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, review, assessment, arrangements, consent, arrangements, adjustments and follow up are essential. This audit trail is vital to support the adjustments and 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 write reports for the management to address specific questions in management referrals. These reports require findings of fact, recommendations or opinion. The reports provide the basis for decisions by the employer on the future action steps and adjustments in employment. It is vital that such 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 to provide the evidence on which they have reached their opinion. Delegates will consider different types of evidence to be included in the report such as records, tests, examinations, assessments, the workplace environment, the requirements of the role, research and the opinion of others relied (Consultants or GPS) on in a report.

The course will consist of plenary sessions, exercises and role-play. It will be a very practical day and delegates will learn by reviewing reports and receiving feedback. 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 different types of information or evidence 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.

Anita Churchhouse  OH Team Leader Wiltshire Council  “this course and especially the practical analysis of our own OH reports was extremely beneficial and should be available to all OHAs and OHPs”

Witness Familiarisation for Tribunals / Court

OHPs may be required to give evidence in employment or personal injury matters and they may become involved in the litigation process. Witnesses will be equipped with the knowledge, practical skills and confidence to give evidence effectively.

The Witness Familiarisation - Case Preparation assists the witness to effectively prepare to give evidence. This includes looking at the process, procedure and techniques used for scrutinising evidence. Advice is given about the duty to the court or tribunal, how to identify the key issues and evidence, how to assist the court or tribunal to understand the evidence and how to distinguish the role of the witness from the role of the advocate. We provide feedback to witnesses to assist them fulfil their roles and responsibilities in giving evidence.

Delegates attending this training will consider case preparation, this will include how to anticipate and deal effectively with cross-examination. They will consider their role in giving evidence and the do’s and don’ts in giving evidence. They will also gain an understanding of the processes and procedures in hearings and develop a toolkit of skills to assist them to give evidence which has weight and is credible and reliable.

Delegates will participate in cross - examination role – play. The hearing can be set in the context of an internal hearing, employment tribunal or civil court such as the County Court or the High Court.

The tutor will use objective best practice criteria to assess the delegate’s performance. Feedback will be given in a constructive and supportive way.

Learning outcomes

- Understanding the process and procedures in hearings
- Effective preparation before a hearing
- Evaluating the strengths and weaknesses in the evidence
- Understanding the purpose of examination in chief and cross- examination
- Dealing with questioning under cross-examination with confidence, credibility and clarity
- Understanding how to use notes, documents and other evidence
- Do’s and don’ts for witnesses
- Practical role-play with feedback
- Developing a toolkit for giving effective evidence.
Interviewing Skills

Occupational Health Professionals who carry out fact finding interviews will benefit from applying structured interviewing skills. This will assist them to obtain the information in a timely and effective way.

Delegates will learn how to plan and prepare for an interview to maximise the impact of the interview. Delegates will learn how to conduct interviews by applying the PEACE (planning and preparation, engage and explain, account, closure and evaluation) method. Delegates will learn how to structure interviews using the different interview models such as conversation management and cognitive interviewing. They will learn how to use different questioning techniques such as open, closed, probing and specific, confirmatory, completeness and challenging questions. They will consider how to apply the funnelling approach to systematically obtain the information topic by topic. Many questioning techniques will be dealt with and practiced. Delegates will be shown effective ways for dealing with denials, omissions, exaggerations, fabrications, inconsistencies, and lack of detail.

Delegates will carry out role-plays in the context of the typical interview they might conduct. This may include considering explaining issues of consent and disclosure to the interviewee. The role-play will be based on realistic case studies. Delegates will receive feedback in a supportive and constructive way and be given feedback on the areas that they need to improve on.

Learning outcomes

- Effective planning and preparation for an interview
- How to structure an interview including the funnelling technique
- Using different questioning techniques; open, closed, specific, probing and confirmatory
- Handling inconsistencies in the account given by the interviewee and other available evidence
- Maintaining an appropriate record of interview
- Dealing with disclosure and confidentiality
- Carrying out role-play in relation to conducting fact-finding, investigative or diagnostic interviews in a range of situations and receiving detailed and constructive feedback on areas to improve and areas that are performed effectively, delegates can identify their strengths and weaknesses.

Claire Russell  Senior HR Advisor Surrey PCT “Excellent. Role –play absolutely made this relevant and real”

Nicola Thurston Senior HR Officer Mitsubishi Corporation International “Excellence in tribunal skills was extremely helpful”.

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 training in which delegates learn by doing and by experience.

We run bespoke in house courses for groups of 6 or more delegates. We also offer one to one sessions for those giving evidence in tribunal of other legal proceedings. We run public courses throughout the UK. Please ask us for details.

For further information please contact:  Client@legalexperiencetraining.com