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UK CLINICAL NEGLIGENCE, MEDICAL MALPRACTICE LAWS, LIABILITY AND RISK MANAGEMENT

MEDICAL
NEGLIGENCE

Fully Accredited
By:

Chartered Institute of
Professional Certifications

CPD
Certification Service

PROGRAM OVERVIEW

Recent statistics from the NHS Litigation Authority highlight a marked increase in clinical negligence claims, signaling not only the rising financial burdens on healthcare institutions but also the urgent need for **improved patient safety protocols and risk management methodologies**. These trends underscore the complexity of healthcare delivery and the paramount importance of safeguarding against legal liabilities and enhancing care quality.

This certified program is designed to empower you with the expertise needed to master the complexities of clinical negligence and medical malpractice law in the UK. You will delve deep into the **legal principles of duty of care, breach of duty, and causation, with a strong focus on the pivotal role of medical experts**. The program covers a wide range of topics including **medical negligence tests such as Bolam, Bolitho, and Montgomery tests, common issues like failure to diagnose and obtain informed consent, and strategies for addressing these breaches**. Through detailed case studies, you will develop a robust understanding of the complexities involved in clinical negligence cases, manage and mitigate risks effectively, while ensuring compliance with legal standards and enhancing patient safety.

Throughout the program, you will learn to **identify and assess injuries, establish the quantification of injuries, and apply legal principles to determine causation**. The sessions will also focus on practical aspects such as gathering and presenting evidence, handling medical malpractice claims, and understanding pre-litigation procedures. You will explore the **duty of candour, effective complaint handling, and incident investigation frameworks like the Patient Safety Incident Response Framework (PSIRF)**. Additionally, this program emphasizes the importance of thorough documentation, compassionate communication with patients and families, and strategies for continuous quality improvement to minimize malpractice claims and enhance patient outcomes.

Upon successfully completing the program, you will receive the highly respected **Certification in UK Healthcare Risk Management and Medical Legal Compliance**, enhancing your professional credentials and demonstrating your mastery of the key principles related to UK's legal and ethical framework in healthcare. This industry-recognized certification offers lifelong validity and distinguishes you as an expert in the legal and ethical dimensions of medical malpractice and risk management.

ACCREDITATIONS



4.8



4.6



KEY SKILLS YOU WILL GAIN

From This Program



**UK MEDICAL MALPRACTICE
DUTY OF CARE
BREACH OF DUTY PRINCIPLES
CLINICAL RISK ASSESSMENT**

**CAUSATION IN CLINICAL NEGLIGENCE
NATURE AND EXTENT OF INJURY
DUTY OF CANDOUR EXECUTION
REGULATION 20**

**PATIENT SAFETY INCIDENT RESPONSE
FRAMEWORK (PSIRF)
MEDICAL NEGLIGENCE ASSESSMENT STANDARDS
EXPERT EVIDENCE ASSESSMENT**

**NON-NEGLIGENT FACTORS EVALUATION
INJURY VALUATION
CARE STANDARD ANALYSIS
INFORMED CONSENT REQUIREMENTS
EFFECTIVE COMPLAINT MANAGEMENT**

**PATIENT SAFETY INVESTIGATION
QUALITY IMPROVEMENT PROGRAMMES**

YOUR FACULTY DIRECTOR



William Reynolds

Highly Distinguished Clinical Negligence Litigator and Master Tactician

William is a highly esteemed litigator with over 15 years of experience, recognized as a **master tactician by Legal500 for his specialization in defending clinical negligence claims**. As a Partner at Browne Jacobson LLP, he is a **trusted advisor to prominent organizations such as NHS Resolution, NHS Trusts, private insurers, and various commercial entities**. Will's expertise spans the entire spectrum of clinical negligence litigation, covering all facets of medicine and law. He is frequently engaged in cases involving emerging and strategically significant legal issues, most recently addressing the evolving nuances of the Qualified One Way Costs Shifting (QOCS) rules.

William leads Browne Jacobson's comprehensive clinical negligence training program for both internal and external clients, focusing on intricate quantum issues and regularly delivering specialized sessions. His dedication to client education and professional development extends to national healthcare improvement projects. He actively **contributes to national risk management initiatives for the NHS, including the 'Getting It Right First Time' (GIRFT) program, where he provides claims and risk management data analysis and advises on draft national best practice guidelines**. Notably, William is a recognized contributor to GIRFT's best practice guidance on general surgery, exemplifying his commitment to enhancing healthcare standards.

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PROGRAM AGENDA

MEDICAL NEGLIGENCE

MODULE 1 - BREACH OF DUTY IN CLINICAL NEGLIGENCE CASES

- Introduction to Duty of Care
 - How to establish whether or not a duty of care exists in healthcare
 - Circumstances where the courts have declined to recognise the existence of a duty of care
 - Importance of establishing breach of duty
- Introduction to Breach of Duty
 - Definition of breach of duty in clinical negligence cases
 - Importance of establishing breach of duty
- Legal Principles of Breach of Duty
 - The standard of care required of healthcare professionals
 - The Bolam test
 - The Bolitho test
 - The Montgomery test
 - Case studies to illustrate legal principles of breach of duty

MODULE 2 - ESTABLISHING BREACH OF DUTY (PART 1)

- Gathering Evidence to Establish Breach of Duty
- Role of Medical Experts in Establishing Breach of Duty
- Importance of Expert Evidence
- Case Studies to Illustrate Establishing Breach of Duty

MODULE 3 - ESTABLISHING BREACH OF DUTY (PART 2)

- Common Issues in Breach of Duty
 - Failure to diagnose
 - Failure to refer
 - Failure to obtain informed consent
 - Case studies to illustrate common issues in breach of duty
- Strategies for Addressing Breach of Duty
 - Importance of thorough medical records
 - Importance of expert evidence
 - Strategies for addressing common issues in breach of duty
 - Case studies to illustrate strategies for addressing breach of duty

PROGRAM AGENDA

MEDICAL NEGLIGENCE

MODULE 4 - CAUSATION IN CLINICAL NEGLIGENCE CASES (PART 1)

- Introduction to Causation
 - Definition of causation in clinical negligence cases
 - Importance of establishing causation
 - Legal Principles of Causation
 - The "but for" test
 - Material contribution principle
 - Multiple causes and divisibility of injury
 - Difficulty in proving causation

MODULE 5 - CAUSATION IN CLINICAL NEGLIGENCE CASES (PART 2)

- Establishing Causation
 - Gathering evidence to establish causation
 - Role of medical experts in establishing causation
 - Importance of expert evidence
 - Case studies to illustrate establishing causation

- Common Issues in Causation
 - Factual causation and building the timeline "what would have happened" (especially relevant regarding informed consent)
 - Expert views – What "should have happened"
 - Divisibility of injury and medical science
 - Material contribution to risk vs material contribution to injury
 - Case studies to illustrate common issues in causation
- Strategies for Addressing Causation
 - Importance of thorough medical records
 - Importance of expert evidence
 - Strategies for addressing common issues in causation
 - Case studies to illustrate strategies for addressing causation

PROGRAM AGENDA

MEDICAL NEGLIGENCE

MODULE 6 - NATURE AND EXTENT OF INJURY

- Establishing the Nature and Extent of Injury
 - Gathering evidence to establish the nature and extent of injury
 - Role of medical experts in establishing the nature and extent of injury
 - Importance of expert evidence
 - Case studies to illustrate establishing the nature and extent of injury
- Common Issues in Establishing the Nature and Extent of Injury
 - Pre-existing conditions
 - Exacerbation of non-negligent injury
 - Acceleration of non-negligent injury
 - Case studies to illustrate common issues in establishing the nature and extent of injury

- Strategies for Addressing the Nature and Extent of Injury
 - Importance of thorough medical records
 - Importance of expert evidence
 - Strategies for addressing common issues in establishing the nature and extent of injury
 - Case studies to illustrate strategies for addressing the nature and extent of injury

MODULE 7 - THE DUTY OF CANDOUR AND SAYING SORRY

- The Duty of Candour and Saying Sorry
 - The professional duty of candour
 - The statutory duty of candour under Regulation 20: When does it apply and how to comply with it
 - The importance of a culture of candour
 - Saying Sorry – Empowering staff to say sorry and how to avoid non-apologies
 - Monitoring and assessing compliance with the duty of candour – CQC's regulatory duties
 - Case studies to illustrate what constitutes a notifiable safety incident

PROGRAM AGENDA

MEDICAL NEGLIGENCE

MODULE 8 - LEARNING FROM COMPLAINTS

- Learning from Complaints
 - Overview of complaints handling in the NHS
 - Responding to and providing the right information to the right people (covering confidentiality, the Caldicott Principles for information sharing)
 - Responding in the right way – How to communicate effectively and with compassion
 - Case study to illustrate the importance of providing the right information to the right people in the right way

MODULE 9 - INCIDENT INVESTIGATION

- Incident Investigation
 - The Patient Safety Incident Response Framework (PSIRF)
 - Documenting learning responses/outputs under PSIRF and how these might be used in other processes e.g. inquests and claims.

- Role of external investigating bodies e.g. Health Services Safety Investigation Body (HSSIB) and Maternal and Neonatal Safety Investigations (MNSI)
- Learning from Inquests
 - Developing action plans and how to evidence organisational learning to the coroner
 - Prevention of future death reports

MODULE 10 - GOVERNANCE

- Governance
 - The importance of a just and learning culture
 - Freedom to speak up
 - Compassionate leadership
 - Professional standards and referrals to professional regulatory bodies e.g. GMC, NMC.

YOUR CHARTER DESIGNATION



Chartered Institute of Professional Certification's programs are unique as they provide you with professional charter designation and mark that can be used across your lifetime once you have completed our programs.

Upon successfully attending this program, you will be awarded with the **Certification in UK Healthcare Risk Management and Medical Legal Compliance**, a noteworthy credential to augment your resume, CV, and professional portfolio. This industry-recognized certification holds lifelong validity, attesting to your proficiency and competence.

Renowned globally and highly sought after, this certification will significantly enhance your professional qualifications, unequivocally showcasing your expertise in the intricate field of UK medical malpractice, including your proficiency in defending against medical negligence claims and aligning with the regulatory frameworks within medical law. Developed by the esteemed **Chartered Institute of Professional Certifications**, the program's content has been meticulously certified by the **CPD Certification Service**, ensuring adherence to the highest standards of continuing professional principles.

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CONTACT US TODAY

We Thank You for Your Ongoing Support
of Our Programs

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