

Sintons
Law

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healthcare
matters.

**specialist
expert
legal advice
for NHS
trusts**

40 years advising on healthcare



Specialist
Healthcare Lawyers

Sintons
Law

Sintons have been advising healthcare clients for the last 40 years and we are proud of our close relationship with all aspects of the NHS. The current climate of structural changes within the NHS, including STPs, ACOs and hospital chains, to name a few, will require changes and adaptations for all NHS bodies and particularly NHS Trusts.

Against this evolving NHS backdrop, you need legal advisers who understand the issues surrounding the balance between obtaining value for money and providing the best care possible, particularly in light of the financial pressures and the continued involvement of multiple regulators including the Care Quality Commission and NHS Improvement.



*Victoria Armstrong and
Amanda Maskery, partners in
the Healthcare team at Sintons*

40
years

advising on healthcare



NHS

National advisors to NHS Trusts



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0191 226 7878

our services

we offer a complete range of
legal services tailored to NHS Trusts

Employment

We have vast experience in providing strategic advice on employment and HR matters to NHS organisations including:

- reviewing and updating employment documents and procedures, including staff handbooks, policies and procedures
- drafting contracts of employment, secondment agreements and consultancy agreements
- advising on the employment relationship, assisting with the interpretation of the NHS Terms and Conditions of Service
- advising on the Public Sector Equality Duty and discrimination, the Nolan Principles and Directors' duties
- advising on strategic matters such as reorganisations, redundancies and TUPE transfer situations
- proactively dealing with claims, assignments and risks and, where necessary, defending claims in the Employment Tribunal and High Court
- CQC and DBS regulation and compliance with HCPC and NMC standards
- drafting and negotiating settlement agreements
- in-house training to Board members regarding appointments and disciplinary matters

Dispute Resolution

Sometimes disputes cannot be avoided. To deal with them effectively requires careful consideration of strategy and desired outcomes need quick, decisive action. We have experience of advising on:

- disputes relating to core NHS funding contracts
- emergency injunctive relief
- complex contractual disputes
- mediation and other types of alternative dispute resolution
- advising on interpretation and enforcement of terms of NHS Standard Contract for services including enforceability of penalty clauses

Procurement

We advise NHS Trusts on all aspects of procurement:

- designing the most appropriate procurement process
- preparing OJEU and contract award notices to minimise the potential for third party challenge
- providing procurement training
- dealing with procurement challenges on behalf of contracting authorities and bidders

Commercial

Commercial activity is a key part of many NHS Trusts' strategy. We offer significant experience in:

- joint ventures
- research and development and know-how sharing collaborations
- IP commercialisation projects
- funding agreements
- outsourcing and shared services
- sub-contracting and collaborations with GP Federations and other primary care providers
- spin out companies and SPV groups
- all aspects of corporate governance and directors duties
- a broad range of commercial legal documentation including framework agreements, IP licences, confidentiality and terms and conditions
- advice on structural changes

Real Estate and Construction

Our real estate and construction team advises on major, complex property matters that frequently arise in hospital estates. We provide advice on:

- site development and redevelopment, including PFI/LIFT/PPP projects
- disposals and acquisitions
- investment and management, including estate rationalisations
- all landlord and tenant matters
- regional and national construction projects
- early strategic construction procurement through to tendering, drafting and negotiation of the project documentation
- all aspects of real estate and construction claims and representing parties in dispute resolution procedures
- all real estate aspects of commercial transactions such as joint ventures, collaboration agreements and outsourcing arrangements
- service companies to provide VAT stamps

Medical Law and Regulatory

We have many years' experience in dealing with all aspects of medical law on behalf of NHS Trusts:

- advice to clinicians and nursing staff on patient issues including consent, confidentiality and ethical issues
- undertaking Trust enquiries into sensitive issues
- advice and representation at complex inquests in which we undertake all advocacy
- applications for declarations of lawfulness of treatment when required
- guidance to personnel where involved in criminal or civil investigations or proceedings
- advice on clinical risk issues
- advice to Trust Boards on legal responsibilities
- training to health professionals
- safeguarding issues
- advice on constitutional issues

Charities

Many NHS Trusts are increasing their charitable activity to help with additional facilities and services. We can advise on:

- the creation and incorporation of charities
- advice to trustees
- training on governance and trustees' duties
- all aspects of Charity Commission reporting and compliance



case studies

our solutions for NHS Trusts

Employment matters

We advised an NHS Trust with over 3,000 employees on strategic HR and employment matters including collective consultation and compliance with contractual procedures.

We worked closely with the Trust on employee relations matters, including changing entitlement to meal breaks arising from a historical local agreement and tackling levels of absence among front line staff in consultation with the GMB and Unison.

Advice to Children's Heart Unit Fund (CHUF) Charity

We were appointed lawyers in 2012 to this high-profile charity which helps fund children's heart surgery at the internationally renowned Freeman Hospital in Newcastle upon Tyne.

We have advised the charity on the establishment of a charitable incorporated organisation, trustees' duties and liabilities, commercial contracts, property and governance matters.

Pharmacy outsourcing

We advised on the outsourcing of outpatient pharmacies at seven NHS hospitals in the North East and Yorkshire, in two instances involving a national pharmacy chain.

We negotiated the agreements, advised on the procurement process and employment issues, handled regulatory concerns and addressed various complex real estate and commercial issues relating to PFI arrangements.

Construction of an 18 bedroom Home from Home facility

We advised a major NHS Foundation Trust on landlord and construction issues during the building of an 18 bedroom Home from Home facility to accommodate families whose children are receiving treatment at an internationally renowned Children's Heart Unit.

We negotiated the Agreement for Lease, gave advice on the provision of Collateral Warranties and carried out due diligence on the underlying construction documents. The facility has been praised by both families and medical staff.

Freehold Property & Surplus Land Review

We carried out a thorough review of all freehold and leasehold property interests of a major NHS Foundation Trust's estate and identified and rectified a number of title issues.

Some properties were earmarked as potential surplus land, and we advised where specific title issues could delay or complicate disposal.

Ethical Issues in Developing Medical and Surgical Areas

Our medico-legal experts advise NHS Trusts on complexities relating to consent and confidentiality arising from constantly advancing approaches in the transplantation of hearts, lungs, livers, kidneys, pancreas and in fertility treatment.

Similarly, we advise on new cardiological procedures including TAVIs, new surgical procedures including robotic surgery, developing treatments for cancer such as stereotactic procedures and dealing with the application of DOLs in the clinical arena such as ITU.

Urgent Consent and Ethics in Patient Treatment

We acted in an urgent application to the High Court for a declaration as to the management of an unconscious Jehovah's Witness patient and whether it was lawful to give or to withhold a blood transfusion.

A favourable Judgment was given the same day by the High Court Judge, who also granted an application to preserve anonymity of the medical and nursing staff.

Service Level Agreements with CCGs and GP Federations

We advised an NHS Foundation Trust in relation to its contractual arrangements with the local Clinical Commissioning Group and a GP Federation concerning the provision of a community-based blood pressure monitoring system.

This involved advice where deviation from the standard NHS Contract was required to protect the Trust's interests.



key contacts

Combining specialist lawyers from across the firm, our healthcare team delivers expert advice to NHS Trusts.

Commercial

Amanda Maskery
Partner

Tel: 0191 226 7838

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Amanda provides strategic and commercial advice to NHS organisations and professionals on issues including procurement processes, contractual matters, commercial agreements, commercialisation of IP and major projects.

Amanda is regularly asked to speak at national exhibitions and conferences and is former chair of ASPD and secretary of NASSAD.

She also advises charities, particularly those in the healthcare sector.

Real Estate

Victoria Armstrong
Partner

Tel: 0191 226 7858

Email: victoria.armstrong@sintons.co.uk



Victoria has many years' experience of advising NHS Trusts on all aspects of healthcare premises.

Her specialisms include a wide range of property development, acquisition and disposal of sites, landlord and tenant matters, complex PFI, PPP and LIFT projects and buy outs, outsourcing schemes, estate management and Estatecode compliance.

Medical Law & Regulatory

Barry Speker OBE DL
Consultant

Tel: 0191 226 7920

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Barry has extensive experience of acting for both NHS Trusts and healthcare professionals, including many consultants and GPs.

Barry has been Trust Solicitor to the Newcastle upon Tyne Hospitals NHS Foundation Trust since its inception. Barry has particular expertise in inquests, judicial review and medico-legal issues.

He writes and lectures widely in medical law.

Real Estate & Construction

Hilary Parker
Consultant

Tel: 0191 226 7880

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Hilary has over 20 years' experience of advising a large number of NHS organisations and professionals on a wide cross section of asset management, development and construction projects. She also advises on landlord and tenant matters within the healthcare sector and has been involved in several PFI transactions.

Hilary has been a non-executive director of a major NHS Foundation Trust for over 14 years and chairs their charitable funds committee.



National advisors to NHS Trusts

core team members

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