40 years
advising on healthcare

Your key account managers

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Sintons has been advising healthcare clients for the last 40 years and we are proud of our close relationship with all aspects of the NHS.

Our Healthcare team are trusted advisors to many Foundation Trusts and provide specialist advice across a wide range of key service areas.

Combined with the team’s extensive legal knowledge and understanding of the key issues affecting the sector, our clients rely upon us to guide them through the ever-changing NHS landscape and develop strategies to prepare for changes as they unfold.

As a result of our proven track record in successfully advising NHS organisations, we were appointed to the North of England Commercial Procurement Collaborative in April 2017 as a preferred supplier of legal services.

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National advisors to NHS organisations
our services

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

HR, Employment Law & Workforce Immigration

Our Employment team is frequently instructed by NHS clients to support with the competing challenges they face of balancing budgetary constraints with the need to motivate staff to achieve performance targets around the clock. We are regularly instructed to:

• Draft particulars of employment and robust contracts of employment, and support on proposals to change locally-agreed terms and conditions of employment
• Advise on effective sickness absence management and devise effective strategies to reduce sickness absence levels
• Support clients with threats of industrial action and negotiations with recognised Trade Unions
• Provide guidance on regulatory and whistleblowing investigations and Freedom of Information requests
• Advise on restructurings and redundancy situations, joint ventures and TUPE transfers
• Support on the employment aspects of resource scheduling (including recruitment, immigration, bank, overtime and casual work matters)
• Support with criminal records matters (specifically DBS risk assessments and referrals to the DBS and professional regulators such as the HCPC, NMC and GMC)
• Advise on performance, grievance and disciplinary situations (specifically on the implications for professional registration with the HCPC, NMC, GMC and GDC)
• Provide HR documentation and advice line support for HR teams
• Advise on tier stability, visa applications, sponsorship licences and certificates of sponsorship
• Negotiate and prepare settlement agreements
• Represent clients in early conciliation and employment tribunal disputes
• Advise on CQC compliance (specifically the Fit and Proper Persons requirements)

TUPE and service provision

We acted for an NHS Foundation Trust defending multiple TUPE related unfair dismissal claims in which there were more than 10 claimants.

Our team reported on employment due diligence and delivered advice on the application of the service provision change test, considering the contentious question of whether an employee or a group of employees was wholly or mainly assigned to the service that was being transferred.

Reducing sickness absence levels

We provided advice to an NHS Foundation Trust on a project to reduce sickness absence levels across the Trust.

We delivered both strategic input and day to day HR advice to directors and heads of department on this key issue for the Trust.

We are also instructed by them on complex disciplinary, grievance and whistleblowing situations and support in matters that require collective consultation and negotiation.
Commercial & Procurement

Our team works closely with our NHS clients to fully understand the nature and extent of their contract and commercial law requirements. We provide practical, pragmatic and cost-effective advice and solutions, and ensure that the contractual documentation reflects the commercial reality, whilst providing appropriate legal protection.

We also provide advice and training to our clients on avoiding legal pitfalls that could adversely affect enforcement and ownership rights, or increase risk or liability. Matters on which we regularly advise include:

- Draft and negotiate commercial contracts including:
  - Collaborations and joint ventures
  - Sub-contracting
  - Outsourcing and shared services agreements
  - Grant and funding agreements
  - Agency, distribution and franchising
  - Mergers and acquisitions
  - Re-organisation of NHS organisations and other restructuring
- Intellectual property
- NHS standard contracts
- Corporate governance and directors duties
- Spin-out companies and SPV groups
- Reviewing procurement strategy
- Advising on procurement process and contracting, including incentives and service specification
- Managing the risk of challenge to procurement decisions, including rebuttal, redesign of processes, assessment of risk and, where necessary, the defence of court proceedings
- Advising on performance managing your contracts, including identifying mechanisms for poor performance, and dealing with disputes
- Advising on consultations, equality and health impact assessments and public procurement implications

Contract for the supply of services

We drafted an International Master Services Agreement, Scope of Works and Quality Agreement relating to the use of new technology with active licensed medication in relation to the manufacture and distribution of Specials in accordance with EU GMP and GDP.

The project included detailed consideration of compliance with the Manufacturer’s Special Licence (from the Medicines and Healthcare Products Regulatory Agency); shared and loaned equipment use, ownership, liability and insurance; implications of being the Importer of Record; issues relating to product literature, packaging and labelling text for the ethical and lawful distribution of the products; recalls; expired product inventory and product forecasting; ownership of background and foreground IPR; quality control; publicity and publication; ownership of improvements; Minimum Business Guarantee Payments; and detailed warranties and indemnities and liability limitation provisions.

Energy contract review

We undertook a comprehensive review of complex and voluminous contracts and ancillary documentation relating to energy management supply, services and facilities for a multi-site Trust, and held the provider to account for the quality of the service, potential breaches of contract, lack of transparency, potential savings, efficiency and added value.

This was of critical importance to the client and was a standing agenda at board meetings in light of material expenditure, the findings of the Carter Report and ensuring it was obtaining best value for money from its current arrangements. It was also important in assisting the Trust to make informed decisions in relation to future energy projects requiring significant capital and ongoing expenditure.

Pharmacy outsourcing

Our team members advised on the outsourcing of outpatient pharmacies at seven NHS hospitals in the North East and Yorkshire.

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.
our services

Real Estate & Construction

Our Real Estate team provides support to our NHS clients to assist them in the efficient delivery of EFM services from a reduced budget, allowing them to improve their estate and operational services to suit changing service model requirements.

Our team evaluates the estates strategy of each of our clients to ensure a good understanding of their capital and rationalisation programmes. We support our clients in delivering their strategy efficiently whilst maximising the value of their estate and increasing year on year efficiency savings.

Our services include advice on:

- Estates rationalisation reviews and strategic advice
- Acquisitions and disposals
- Site developments and PPP/PFI
- Lease negotiations and 3PD schemes
- Construction documentation, due diligence and project support including PFI arrangements
- Keyworker accommodation projects
- NHS Estatecode and general estate management advice
- NHS LIFT including negotiation of LeasePlus and UnderleasePlus Agreements
- Landlord and tenant matters
- Property litigation issues
- Property aspects of commercial and corporate transactions
- Environmental liabilities
- Partnership working with local authorities
- Rent and rates reimbursement for GP premises

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.
National advisors to NHS organisations

NHS Governance

Our team is led by Barry Speker OBE DL who has over 40 years’ experience in dealing with NHS Governance and Public Law. Our experience includes advising on:

- NHS structures, powers and guidance
- Corporate Governance
- Clinical Governance
- Information Governance
- Research Governance
- Foundation Trust (Authority) constitution advice
- Criminal prosecutions
- Public consultation
- Judicial review
- Internal and public inquiries
- Policies and procedures
- Human Rights
- Personal injury cases

Ethical issues in developing medical and surgical areas

Our medico-legal experts advised an NHS Trust 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 robotics surgery, developing treatments for cancer such as stereotactic procedures and dealing with the application of DOLs in the clinical arena such as ITU.

Medical and Mental Capacity Law

We advise NHS Trusts on all aspects of Medical and Mental Capacity Law relating to patient treatment and care including:

- Mental Capacity Act and Deprivation of Liberty
- Mental Health Legislation
- Emergency and out of hours legal advice
- Coroner’s inquests (including high-profile media sensitive inquests, Article 2 inquests, jury inquests and those involving allegations of neglect and gross negligence)
- Court of Protection, Inherent Jurisdiction and Family Court applications – including emergency and out of hours applications
- Consent to treatment
- Capacity
- Medical confidentiality
- Best Interests decisions
- End of life decisions including withdrawal of treatment
- Treatment of children and young people
- Adult and child safeguarding
- Complex/delayed discharges
- Drafting and updating of hospital policies and procedures
- Treatment of overseas visitors
- Human Fertilisation & Embryology Act issues
- Clinical risks management
- Medical ethics
- Criminal prosecutions
- Patient complaints
- Liaising with police and regulatory authorities
- Judicial review

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.
Dispute Resolution

Sometimes disputes cannot be avoided. Our team helps you deal with them effectively through careful consideration of strategy and desired outcomes. Where situations demand, we will take quick and decisive action on your behalf.

We can support you with:

- Commercial litigation
- Real estate litigation
- Complex contractual disputes
- Procurement challenges
- Health & Safety and regulatory
- Mediation and other types of alternative dispute resolution
- Management of defamation and negative media coverage

PFI Disputes

This dispute involved multiple linked issues including invoicing/charging under the project Agreement, damage to equipment, failure in provision of services, disputed ownership and responsibility for repair and replacement of high value plant and equipment, failure of emergency backup equipment and services. It required high level and detailed reviews of the PFI arrangements and strategy meetings with multiple senior personnel in the Trust.

We liaised with and collated technical input from independent experts, issuing contractual warning notices under the Project Agreement and participating in project management and all party meetings to effect a satisfactory settlement, where possible avoiding recourse to the courts and, where necessary, preserving ongoing relationships between the Trust and its service providers.

Charities

Many NHS Trusts and organisations are increasing their charitable activity to help with additional facilities and services.

We regularly advise on:

- The creation and incorporation of charities
- Advice to trustees
- Training on Governance and Constitution
- All aspects of Charity Commission reporting and compliance
- Advising on legacies and distributions
- Advising on changes as a result of the Charities Act 2011 and Companies Act 2006
- Mergers
- Charities and trading
- Charity funding

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.
As a public sector organisation, we appreciate you need to ensure best value in your procurement of legal services. We believe best value is about more than just excellent legal advice. We want to ensure that we are providing you with all of the support you need to achieve service delivery excellence and overall cost efficiencies.

Service Accessibility & Travel
always willing to go the extra mile

- With the advances in technology and faster travel networks, we believe that geographical location is not a barrier to having a successful working relationship
- Our client base has national reach and our experience is that there are many ways to engage with our clients, both remotely and within their geographical area
- We do not charge our clients for our travelling time or our travel expenses
- We ensure that our team travels outside of core business hours to be available to clients across the country from the start of a client’s business day until they finish work

Secondments
we want to get to know you

- In-house secondments are particularly valuable where you have a specific challenge or programme of work that requires regular input from us
- We would be happy to agree secondments of our team members into your organisation for fixed or flexible periods of time, if that would increase the efficiency of a particular project and reduce your legal spend
- In the past, we have seconded solicitors to support under-resourced HR teams and legal teams, and also to run programmes of improvement in partnership with Executive teams. Our vast experience within the NHS and NHS Trusts means that we are well placed to assist you to benchmark services and provide you with strategic solutions to improve efficiency in specific service areas

Out of Hours Service
there for you whenever you need us

- As the NHS operates around the clock, we have for many years also maintained an urgent response team. This is a team of individuals with extensive experience of working with NHS Trusts who are available outside of normal working hours to provide our Trust clients with advice in the areas where experience tells us that out of hours advice is needed

Training
strengthening your foundations

- We regularly provide local events and workshops across the NHS nationally and we would be happy to tailor a programme of events specifically for your organisation
- We can provide you with training on lessons learned and also on bespoke sessions tailored to suit your circumstances
meet your key contacts

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

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Amanda is nationally recognised as a leading healthcare lawyer. Her expertise includes advising on corporate and commercial issues relating to governance, new model care structures and transformation, mergers and acquisitions, procurement and commercial contracts.

She leads a team of 40 lawyers whose expertise includes property, medico-legal, employment, procurement, governance, corporate, dispute resolution, commercial contracts and construction.

Amanda was praised as being a ‘notable practitioner’ in the Chambers UK 2017 Guide and “recognised as a leading specialist in the dental and GP sectors”. Our Healthcare team is described as having an “excellent level of healthcare expertise. The individuals are approachable and easy to deal with”.

Amanda works regularly with Chief Executives, Heads of Departments and the Boards of major NHS Trusts. She is also highly respected for her knowledge of Primary Care, where her advice is sought-after by healthcare professionals across the country.

Her recent work includes advising several NHS organisations on multi-speciality community structures, the emerging Sustainability and Transformation Plans (STPs), new model care structures, intellectual property commercialisation, governance, charity governance and structural matters. Notably, she has recently advised on a framework agreement with an NHS Trust based in Scotland.

Amanda provides training to Trust Boards on governance issues including the Bribery Act, and is often asked to sit on steering groups for large scale projects within NHS Trusts.

Amanda is a regular speaker and/or delegate at national healthcare conferences and is regularly involved in seminars and workshops, both internally and with clients. These include the NHS Confederation, the Westminster Forum, Best Practice and Healthcare Estates. She has written numerous articles on topical healthcare issues which have been published nationally and internationally, including in the International Dental Tribune.

Amanda also has a speciality in charitable matters where she advises both independent health-related charities (including Tiny Lives and Children’s Heart Unit Fund, Freeman Hospital) and those linked to NHS Trusts (such as Gateshead Health NHS Foundation Trust and South Tyneside NHS Foundation Trust). She also chairs Sintons’ Corporate Social Responsibility committee.

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Victoria is a Partner in our Healthcare team specialising in real estate. She has acted on behalf of a large number of NHS Trusts across the country over the last 11 years. She has led a large range of complex transactions, developing extensive expertise in dealing with a wide range of property issues within the NHS. She has particular expertise advising on NHS development projects, including 3PD schemes, PFI/PPP schemes and NHS LIFT. Victoria has also advised on a number of NHS outsourcing projects. Victoria has been involved in some of the most significant changes within the NHS, including advising a number of Foundation Trusts in relation to TCS and more recently providing advice in relation to strategic estates plans.

Experience:
- Advising on a large number of PFI and PPP schemes, including the country’s first-ever PFI buy back
- Advising a number of NHS Trusts on their estates rationalisation programmes and disposal of surplus land
- Acting on behalf of both occupiers and developers of healthcare premises including 3PD, polyclinics and social care centres
- Advising a wide range of NHS Trusts and Local Authorities in connection with the development of new health centres and hospitals including leading on LIFT projects
- Advising on landlord and tenant matters, acting for both owners and occupiers
- Advising on the sale and acquisition of healthcare property, including hospitals, surgeries and specialist clinics
- Advising a number of NHS Trusts on the property elements of their outsourcing projects
- Advice and support in relation to STPs and strategic estate planning

Donna is an Employment and Workplace Immigration specialist who has recently been seconded as In-House Counsel to an NHS Foundation Trust employing over 3,000 people.

Donna is relationship manager for a number of our NHS Trust clients. In 2015, she was seconded as In-House Counsel for a local NHS Foundation Trust and continues to advise the Trust, having supported them through internal governance matters, leading to an improved CQC rating in the Autumn of 2016.

Donna regularly advises Chief Executives, Directors and Heads of Service and is frequently praised for her strategic approach and cost efficiency.

She is often invited to sit on NHS panels and to deliver seminars and workshops. She has recently delivered training on the Fit and Proper Persons aspects of the CQC regulations and holds workshops on sickness absence management, disciplinary investigations and hearings.

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