

## Health sector: Keep an eye out for... October 2020

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13 October 2020

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In this section we bring news of some of the recent developments which attracted our attention and those we continue to keep an eye on ...

Time frame	Development/Opportunity	Why is it important?
1st September 2020	The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020 and provide for; a new Use Class E (which includes retail, food, some services, gyms, healthcare, nurseries, offices and light industrial uses); a new Use Class F1 (which includes learning and non-residential institutions), a new Use Class F2 (which includes physical group activities, outdoor sports and some shops serving the essential needs of local communities). Use Classes C1, C2, C3, C4, B2 and B8 remain unchanged. All other uses become <i>suis generis</i> .	A change of use within a use class does not amount to "development" and therefore does not require planning permission. As such the new planning regulations offer greater flexibility for properties to be repurposed as part of the government's Covid-19 recovery strategy. On the other hand, some uses which previously fell into a Use Class now do not: for example houses in multiple occupation with more than six residents, pubs, bars, hot food takeaways and cinemas all now become <i>suis generis</i> meaning planning permission will be required for change of use.
30th November 2020	The Government has launched a 'call for views' in relation to AI and Intellectual Property rights. The deadline for responding is 30th November.	With all the technological advances in the delivery of and support for health and care services the use of AI remains a popular talking point. The Government is looking to understand what the implications of AI might be for IP policy. Now is the <u><a href="#">chance to have your say</a></u> .
Ongoing	Inquiry into the safety of maternity services in England.	The focus of the inquiry is failings in maternity services and the action needed to improve safety for mothers and babies. The inquiry plans to examine evidence relating to ongoing concerns and will build upon the investigations which followed East Kent Hospitals University Trust and Shrewsbury and Telford Hospitals NHS Trust along

		<p>with the inquiry into the University Hospitals of Morecambe Bay NHS Trust. Consideration will be given as to whether the clinical negligence and litigation processes need to be changed to improve the safety of maternity services and the extent to which a “blame culture” affects medical advice and decision making. The Committee invited written submission on various points including the impact of work already undertaken to improve patient safety, the contribution of clinical negligence and the litigation process to patient safety, the advice, guidance and practice in relation to choices available to pregnant women as to mode of delivery, the effectiveness of training and support given to maternity staff and the role of HSIB in improving maternity services. The call for evidence closed on 4 September and we will be closely following developments.</p>
<p>Permission to appeal sought. Decision anticipated in 1-2 months</p>	<p>Appeal to the CA of the decision in <i>Parminder Paul v Royal Wolverhampton Hospital NHS Foundation Trust</i></p>	<p>Clarification of the law on proximity in secondary victim psychiatric injury claims. If the relaxation of the previous strict control mechanisms is permitted, this will lead to a significant increase in secondary victim claims.</p>
<p>Recent judgment</p>	<p>CA decision in <i>Swift v Carpenter</i></p>	<p>Clarification of the method for calculating capital cost of special accommodation in serious injury cases. Our article on the case is <a href="#">here</a>.</p>
<p>Autumn/winter 2020</p>	<p>It has long been expected that in the wake of Brexit we may see reform of the current Public Procurement regime although the outcome of any trade deal with the EU may impact on this.</p>	<p>Any proposed legislative reform will be preceded by a consultation exercise. We recommend that both contracting authorities (those organisations subject to the Public Contracts Regulations 2015) and suppliers alike engage with this exercise to ensure that their views can inform the consultation process. If a consultation is forthcoming we will host a number of roundtable events to look at the impact of the potential reforms. To be kept up to date with developments in this area <a href="#">please register here</a>.</p>
<p>This year</p>	<p>Public Procurement: Judicial review action brought by the Good Law Project against the DHSC over the direct award of a PPE contract in reliance on Regulation 32(2)(c)</p>	<p>If this litigation runs its course we could see limitations on contracting authorities’ rights to rely on grounds of urgency to directly award contracts. Similarly a decision in favour of the DHSC could give contracting authorities much certainty as to when they can do so without risk of a successful challenge.</p>

Our legal updates will bring you news of these and other key legal developments as soon as they happen.

# Contact

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## Related expertise

### Sectors

Health and life sciences