

# Health and Care Connect: Health Check - September 2024

11 September 2024

Bringing together the latest updates and events to help you keep your finger on the pulse of current health and care issues in the independent sector.

Welcome to Health and Care Connect's Autumn edition of Health Check, a sector-specific roundup giving you a snapshot of our latest updates, key dates for your diary and noteworthy developments affecting the independent health and care sector. This edition covers topical issues such as what the new procurement regulations for the PSR means for HealthTech companies, the Court of Appeal's recent decision on mental capacity and "belief", and how better financial and data management can improve resilience and support growth for care providers.

## #PositivePurpose: Making a difference across business and society

At Browne Jacobson, our work places us at the forefront of society's biggest issues. We are proud to work with clients who share our values and are making a difference.

#PositivePurpose showcases the inspiring initiatives of these clients and puts the spotlight on their fantastic work. From HealthTech to regeneration, each story we share will be an opportunity to hear directly from our clients about the meaningful work they are doing.

### Strolll: HealthTech for rehabilitation

In this #PositivePurpose video, we collaborated with one of our HealthTech clients, Strolll. Strolll has created ground-breaking augmented reality (AR) technology, which helps Parkinson's disease patients regain independence by improving their strength and mobility. With Strolll's vision, this AR technology will also positively impact healthcare service providers and support patients with a wider range of neurological disorders.

[Watch now](#) 

## Legal updates

### Regulation HealthTech: What the Provider Selection Regime means for healthcare procurement

Clare Auty and Viney Jhalley explore what the new procurement regulations under the Provider Selection Regime means for HealthTech companies.

[Read more](#) 

### Court of Appeal finds there is no requirement for "belief" in the Mental Capacity Act functional test

Ed Pollard and Mark Barnett explain the Court of Appeal's decision that there is no requirement for "belief" in the Mental Capacity Act functional test.

[Read more](#) →

## Better financial and data management can improve resilience and support growth for care providers

Browne Jacobson collaborated with the Social Care Foundation and Kent Finance on a white paper considering how better financial and data management can improve resilience and support for growth for care providers. Charlotte Harpin spoke with The Cover about this issue.

[Read more](#) →

## What does the right to switch off mean for employers?

Sarah Linden explores the government proposals for employees' right to switch off and what this means for employers.

[Read more](#) →

## Implementing green leases: Enhancing sustainability in NHS properties

Julie Innes and Victoria Thourgood consider the Green Leases Framework published by NHSE England and how that may impact non NHS healthcare providers.

[Read more](#) →

## Care Home Management publication

Carl May-Smith wrote an article for Care Home Management publication on how moving from a reactive to proactive stance can help managers feel ready for their CQC inspection.

[Read more](#) →

## Later living

We know later living and welcome discussions on how we can support. We have published a guide on our work in the Later Living sector.

[Find out more](#) →

## Bids from overseas supplier under the Procurement Act 2024

Jan Cumming explores the position in respect of bids from overseas suppliers under the Procurement Act 2024.

[Read more](#) →

## Shared Insights round-up: Summer 2024

Read our quarterly update of Shared Insights.

[Read more](#) →

## Dates for your diary

September – October 2024, online, Mock Inquest training sessions

[Find out more](#) →

[Find out more](#) →

8 October 2024, online, Shared Insights: Learning the lessons from national inquiries

[Find out more](#) →

10 October 2024, Health and Care Autumn Breakfast briefing hosted by Browne Jacobson, Hazlewoods and Knight Frank

[Find out more](#) →

## Independent health and care sector news

### The Dash review

The Dash review has published its interim findings into its review of the CQC's effectiveness. Read the CQC's initial response.

[Read more](#) →

### A new government

The Department for Health and Social Care blog welcomes a new government and sets out what this means for adult social care.

[Read more](#) →

### Dementia Community

Dementia Community continues with coverage of a report by the Community Network, hosted by NHS Providers and NHS Confederation, which explores the role of community providers in supporting people with frailty (including those living with dementia) throughout the care pathway.

The report includes examples of good practice from around the country where people have been treated at or near to home.

Recommendations include tackling workforce shortages in social care, and lifting the barriers to further integration between community providers, primary care and social care.

[Read the report](#) →

## Digital Markets, Competition and Consumers Act 2024

The Digital Markets, Competition and Consumers Act 2024 received Royal Assent on 24 May 2024. Part 4 of the Act contains consumer protections from unfair trading and section 225 DMCCA 2024 will prohibit unfair commercial practices.

A "commercial practice" is an act or omission by a "trader" relating to the promotion or supply of (a) the trader's product to a consumer, (b) another trader's product to a consumer, or (c) a consumer's product to the trader or another person. Sellers and landlords who deal with the sale or letting of property for business purposes to private individuals will be traders. A commercial practice is unfair if it is likely to cause the average consumer to take a transactional decision that the consumer would not have taken otherwise as a result of a misleading action or a misleading omission.

Section 226 deals with misleading actions and section 227 deals with misleading omissions. Part 4 will come into force once a commencement order is made by the Secretary of State (the Consumer Protection from Unfair Trading Regulations 2008 will continue to apply until then).

[Find out more](#) →

## Transparency for machine learning-enabled medical devices: guiding principles

Medicines & Healthcare products Regulatory Agency has published guidance on Transparency for machine learning-enabled medical devices: guiding principles.

[Find out more](#) →

## #BeingBrowneJacobson

### Updates about our specialist health and care team

We are delighted to have been selected as a finalist for the Legal Advisor of the Year at the HealthInvestor Seniors Housing Awards.

## Key contacts

Daisy May Coster-Hollis

Senior Associate

[daisymay.coster-hollis@brownejacobson.com](mailto:daisymay.coster-hollis@brownejacobson.com)

+44 (0)330 045 2370

Clare Auty

Partner

[clare.auty@brownejacobson.com](mailto:clare.auty@brownejacobson.com)

+44 (0)121 237 3943

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