

David Pittaway QC

Call year: 1977, Silk Year: 2000

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David Pittaway QC's principal practice areas are medical law, public inquiries, regulatory and disciplinary matters, product liability and insurance law. He frequently appears on behalf of claimants and defendants in clinical negligence cases, healthcare professionals in disciplinary tribunals and acts on behalf of NHS bodies in public law related matters including the administrative court, inquiries and inquests.

He has substantial experience of large-scale litigation arising out of his involvement in The Cervical Screening Litigation, The Shipman Inquiry, The Kingsway Hospital, Derby Inquest and The Capper Pass Claims Review Scheme. He is ranked in the legal directories as a leading silk in medical law and disciplinary matters.



Practice Profile

Medical Law

He is presently instructed in a large number of clinical negligence actions, (acting for claimants and NHS trusts) particularly cerebral palsy, misdiagnosis of cancer and cardiac surgery cases. He has also appeared on behalf of claimants in large clinical negligence actions in Jersey and Gibraltar (cerebral palsy and spinal injury). He has recently appeared, amongst other cases, in a trial concerning a GP's diagnosis of premature rupture of membranes. He has been instructed in a large number of round table meetings this year resulting in settlement of large clinical negligence claims including a case where for the first time periodical payments were ordered to provide accommodation.

Regulatory and Disciplinary

He appeared on behalf of Boots the Opticians before the General Optical Council in a test case on the supervision of the sale of spectacles to children and other restricted persons. He was instructed to represent Margaret Hayward on appeal against the decision of the NMC to erase her name from the register following carrying out undercover filming for the BBC Panorama Programme. He appeared on behalf of a pharmacist in the High Court of Northern Ireland to reduce a 15 year ban on applying for re-admission of his name to the register. He defended North-East Derbyshire PCT against judicial review of its decision to award a contract to provide GP services to United Health Europe. He advised the Bradford Teaching Hospitals Foundation NHS Trust on the decision of the Monitor to remove the Chairman. He represented GPs and consultants who were the subject of criticism by The Shipman Inquiry before the GMC. He has appeared before the Care Standards Tribunal and a London Teaching Hospital's Fitness to Practice Panel. He is instructed in cases before the GMC and other healthcare regulators. He is a Legal Assessor to the Royal College of Veterinary Surgeons where he has also been instructed to draft guidance for the Disciplinary Committee.

Public Inquiries and Inquests

He was instructed in The Shipman Inquiry on behalf of members of the medical profession. He was instructed on behalf of the hospital in The Kingsway Hospital Derby Inquest before Sir Richard Rougier which inquired into the deaths of patients with Alzheimer's disease.

Mediation and Arbitration

Following his appointment by Sir Philip Otton Chairman of the Capper Pass Claims Review Scheme as the Assessor to the Scheme he completed assessing the damages in 40 cases of lung cancer fatal accident and COPD claims arising out of Rio Tinto's operation of a smelting-plant on Humberside.

Product liability

He was instructed on behalf of one of the insurers in the Northwick Park Hospital Clinical Trials Cases to advise on coverage issues.

Professional Negligence

He has a particular interest in solicitors' negligence arising out of the conduct of clinical negligence, personal injury litigation.

Further Information

Year of call: 1977

Year of silk: 2000

Specialist areas: Medical Law, Regulatory and Disciplinary, Public Inquiries and Inquests, Mediation and Arbitration, Product Liability and Insurance Law.

Education: Sidney Sussex College, Cambridge (MA) (Exhibitioner)

Appointments: Bencher of the Inner Temple, Deputy High Court Judge (QBD), Recorder, Chancellor of the Diocese of Peterborough, Legal Member of the MHRT, Legal Assessor to the RCVS and GSCC

ADR: Fellow Ch Inst of Arb, Accredited Mediator

Committees: Past Chairman of the Professional Negligence Bar Association, Chairman of the Bar Council's Training for the Bar Committee, Chairman of the Neuberger Monitoring and Implementation Group, Member of the Bar Council's General Management Committee, Member of the Council of the Inns of Court

Recent cases

St George v The Home Office [2010 QB] a court approved settlement in which the first periodical payments order (to our knowledge) was made for the provision of accommodation.

Twibill v Pharmaceutical Society of NI [2010] - an appeal by a pharmacist against the imposition of a 15 year ban on applying for re-admission following convictions for possession of indecent images.

Boots the Optician v GOC [2009] - a test case on the supervision of the sale of spectacles to children and other restricted categories.

Ingram v Williams [2009/10 QB] - a cerebral palsy case where it was held that a GP had not misdiagnosed cystitis for premature rupture of membranes 26 years ago.

Hayward v NMC [2009] - an appeal by nurse who carried out undercover filming for the BBC Panorama Programme against the decision to remove her name from the register.

Lewis v Mole [2008 QB Exeter] - negligent failure of care by GP in failing to refer claimant for a blood test for hypothyroidism. The trial judge dismissed the claimant's case against his former GP that he was in breach of duty, and held on causation that, in any event, the claimant's hypothyroidism did not develop until sometime after his GP appointment.

St George v The Home Office [2007/08 CA] - negligent failure of care leading to prisoner developing severe brain damage. The Court of Appeal dismissed the Home Office's appeal and allowed the cross-appeal against the finding of 15% contributory negligence.

Capper Pass [2007/8] He was appointed by Sir Philip Otton, Chairman of the Capper Pass Claims Scheme, to assess the damages in 40 lung cancer fatal accident and COPD claims arising out of the operation of Rio Tinto plc's smelting plant on Humberside.

NJ v Secretary of State for Health [2008] He appeared at the Care Standards Tribunal for a care home manager who was appealing against a decision to prohibit him from working with vulnerable adults on the grounds that he had sexually assaulted a mentally handicapped adult in his care. The tribunal directed that NJ's name should be removed from the POVA list.

Cornes v Southwood [2008 QB] He appeared for the claimant who had sustained severe brain damage in a RTA and was unable to resume his career as an aeronautical engineer in the RAF and where the total value of the claim on quantum, agreed and contested, was £1.7m.

Publications and lectures

He is the co-contributor to *Atkins Court Forms: Personal injury and Professional Negligence* [2007], and contributor to *National Health Service* [2008] and *Carriers* [2010]. He is Co-General Editor of *Pittaway and Hammerton "Professional Negligence Cases"* published

by Butterworths in July 1998. He is named as the leading contributor to the Inns of Court School of Law Advanced Civil Litigation - Professional negligence in Practice published by Blackstone Press. His lectures include Whistleblowing in the NHS, Clinical Governance and Corporate Responsibility and Self-Regulation after The Shipman Inquiry.

What others say

"Hailsham... accommodates barristers of the quality of David Pittaway QC. Pittaway frequently engages in healthcare defence work, and was instructed by Boots in a GOC test case for supervision of trainee opticians. Peers remark that 'he keeps control of proceedings with a light touch and a sense of humour.'" *Chambers UK 2010*

"David Pittaway QC also wins much support. He "knows how to navigate a complex case and get straight to the nub of the matter'." *Chambers UK 2010*

"David Pittaway QC 'combines an encyclopedic knowledge with real humanity'." *Legal 500 2009*

"David Pittaway QC is commended for his 'detailed medical knowledge' and has a strong profile in professional disciplinary and negligence work." *Chambers UK 2009*

"Hailsham Chambers is a 'hard-working and extremely reliable' outfit that specialises in healthcare and clinical negligence matters for both claimants and defendants. Its efforts are spearheaded by two eminent silks." *Chambers UK 2009*

"David Pittaway QC heads the professional discipline group. He is well liked by clients, as he 'has good judgement, is a good tactician, and instinctively knows how the tribunal is thinking'." *Chambers UK 2009*

" 'combines encyclopaedic knowledge with deep sympathy and humanity'." *Legal 500, 2008*

"The 'approachable and committed' David Pittaway QC is a key figure in Hailsham's professional disciplinary team. He has substantial experience working on complex and high-profile disciplinary hearings and is 'one to put the hours in' in such cases. Clients find him 'very easy to deal with and able to make good decisions'." *Chambers UK 2007*

"David Pittaway QC...retains an excellent reputation and is especially recommended for disciplinary work." *The Legal 500 2007*

"David Pittaway QC, chairman of the Professional negligence Bar Association, has strong experience in the health sector, often acting in solicitor negligence claims arising from personal injury and clinical negligence cases." *The Legal 500 2007*

"David Pittaway QC, a 'perennial favourite for the bigger cases' who 'can make the necessary hard tactical decisions' when undertaking difficult matters." *Chambers UK 2007*

He is consistently identified in *The Legal 500* as a leading silk in clinical negligence and professional negligence, and in *Chambers UK* as a leading silk in professional discipline. He was also listed as a leading professional negligence junior in *Chambers UK* for four years and as a leading insurance junior in *The Legal 500* for three years before taking Silk.

Following The Kingsway Hospital Inquest, Derby, the NHS Trust Board minuted his conduct of the inquest on their behalf as "outstanding".
