

Richard Tyson

Year of Call: 1975

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Overview

Richard Tyson has regularly appeared in the leading directories in each of his principal areas of work; which are:

- All aspects of family work, including Inheritance Act, but in particular complex financial remedies work
- Professional discipline in healthcare Fitness to Practice Panels
- Personal Injury
- Professional Negligence with a clinical or matrimonial basis.

He is a past contributor to Sweet & Maxwell's Encyclopedia of Financial Provision in Family Matters.

Recommendations

'Recognised for his advocacy in healthcare-related professional discipline matters, including both the defence and prosecution of healthcare professionals. He is also experienced in prosecuting on behalf of the GMC, and advocating for clients before Fitness to Practice Panels.

Recent work: Acted for the GMC in GMC v Dr Grant, a case concerning a private GP's incompetent involvement in a child sexual abuse case.'

Chambers UK 2017/Professional Discipline - The Regions (Bar) - Band 2

'Reputed in medical and social care disciplinary actions. He frequently prosecutes before the GMC's Medical Practitioners' Tribunal Service

Strengths: "He is a solid practitioner who fights for his clients but in an articulate way." "He's a bright and astute advocate who doesn't take stupid points."

Chambers UK 2016/Professional Discipline - The Regions (Bar) - Band 2

'regularly prosecutes fitness to practice cases on behalf of the GMC.

Expertise: "He deals with a difficult case with aplomb."

Recent work: Represented the GMC at the Court of Appeal in relation to disciplinary proceedings against a doctor who faced a number of allegations, including accusing a mother of murdering her child.'

Chambers UK 2015/Professional Discipline - The Regions

'has a strong reputation in the medical and social care disciplinary sector. He regularly prosecutes before the GMC's MPTS.'

Chambers UK 2014/Professional Disciplines - The Regions

'For his professional discipline expertise at the London Bar. Richard "knows what he is doing" when it comes to medical and social care disciplinary cases and is "impeccably fair" according to sources. He frequently prosecutes before the GMC's

MPTS'

Chambers UK 2013

'...received due recognition for the quality of his work before the GMC and the Care Standards Tribunal. His client care skills are described as "exceptional" and solicitors "look forward to instructing him".'

Chambers UK 2012

'His practice covers the spectrum of family law cases.'

Legal 500 2017/Regional Bar - Western Circuit, Family and children law – Leading juniors

'Recommended for brain damage cases.'

Legal 500 2017/Regional Bar - Western Circuit, Personal injury and clinical negligence – Leading juniors

'Very experienced in healthcare work.'

Legal 500 2017/Regional Bar - Western Circuit, Regulatory, health and safety, and licensing – Leading juniors

'He presents with great skills and sensitivity'

Legal 500 2016/Regional Bar - Western Circuit:

Family and children law – Leading juniors

Regulatory, health and safety, and licensing – Leading juniors

Personal injury and clinical negligence – Leading juniors

'He has excellent client communication skills'

Legal 500 2015/Regional Bar - Western Circuit:

Family and children law – Leading juniors

Regulatory, health and safety, and licensing – Leading juniors

Personal injury and clinical negligence – Leading juniors

'A clinical negligence specialist who principally represents claimants in cases involving severe injuries.'

Legal 500 2014/South Eastern Circuit, Personal Injury and Clinical Negligence expertise

'a master of his brief'

Legal 500 UK Directory 2013/14 - Western Circuit, Family.

Academic qualifications

- BA (Exon)

Professional qualifications & appointments

- Recorder in crime, civil and private family law
- Legal Assessor to the Nursing and Midwifery Council
- Head of Chambers of 3PB for 9 years until October 2013

Professional bodies

- Association of Regulatory & Disciplinary Lawyers (ARDL)
- Family Law Bar Association (FLBA)
- Personal Injury Bar Association (PIBA)
- Professional Negligence Bar Association (PNBA)
- Public Access Bar Association (PABA)

Expertise

Public and Regulatory

Richard has extensive experience in healthcare regulatory work. He principally acts for the General Medical Council in its fitness to practice panels. He also defends in cases before the disciplinary panels of the General Dental Council, the Health Professions Council and the General Osteopathic Council. He has experience of Legal Assessing with the Nursing & Midwifery Council panels. In addition to his healthcare work Richard has acted for registered providers (such as care homes, care home managers and nurseries) in Care Standards Tribunal cases.

In his GMC work Richard has acted in a number of high profile cases, including the prosecution of medical experts engaged in child protection cases, such as Professor Southall (in one case over his involvement in the Sally Clark murder case after watching a television programme, and in another over his behaviour towards certain parents and his keeping of "secret" files on a number of his child patients), and Dr Paterson (whose "specialism" was in temporary brittle bone disease). He has prosecuted doctors of many disciplines with wide ranging allegations of misconduct - from a consultant psychiatrist's treatment of transsexuals to a consultant gynaecologist's treatment of, and fraudulent behaviour towards, her fertility patients.

Richard's healthcare regulatory work is both advisory and in front of panels. This involves a thorough grasp of the law and practice in this developing area.

Notable cases

- Dr David Southall v The General Medical Council [2009] EWHC 1155 (Admin) in the Administrative Court
- Dr David Southall v The General Medical Council [2010] EWCA Civ 409 in the Court of Appeal

Family

Richard Tyson has long been recommended for his family work in the leading directories.

Richard's family work covers the full range of issues, with particular emphasis on complex financial remedy cases. With an understanding of accounts and a mastery of detail he represents clients where the source of wealth (sometimes hidden overseas) comes for self-made millionaires, household name PLC directors, premiership footballers or from farming individuals (a particular specialty). Richard enjoys working as a team with clients, as well as instructing solicitors and experts from a number of disciplines.

In addition Richard does a considerable amount of private family law, including relocation, and acts for local authorities in public law matters. He has recently successfully completed a 19 day High Court fact finding hearing.

Richard's understanding of family matters is constantly being expanded when he sits as a Recorder with a private family law ticket. His long experience of family law is also increasingly being used in solicitor's negligence actions in this field.

Notable recent family cases:

- B Children. 2015. Family Division
Acting for a local authority in a 19 day fact finding into step father's rape of step daughter and mother's invented account of how his body fluids were found on the child's underwear.
- W v K 2012 – 2014
Long, intractable contact saga, where children defied orders and ran away.
- S v H 2012 – 2015

Long, running contact and Schedule One Children Act case, where mother often in person and created obstacles in both sets of proceedings.

Notable reported family cases:

- M (children) [2010] EWCA Civ 69 [public family law]
- Sandford v Sandford [1986] 1 FLR 412 (Ct Appl) [ancillary relief]
- Seaton v Seaton [1986] 2 FLR 398 (Ct Appl) [ancillary relief]

Publications

Past contributor to Sweet & Maxwell's Encyclopaedia of Financial Provision in Family Matters.

Clinical Negligence

Acting principally for Claimants, Richard Tyson's clinical negligence practice has long complemented his principal practice in healthcare regulation.

His current cases:

One against London's leading children's hospital where a child developed a stroke, leading to significant disability, in the course of an operation to correct the shape of her head. Negligence is alleged against the consultant paediatric neurosurgeon who conducted the operation using a novel approach.

Another against a major London teaching hospital where, following a Serious Untoward Incident Investigation report, liability is not in issue, but the assessment of damages is a real challenge in light of the client's other medical conditions and financial circumstances. The negligence is alleged against a consultant obstetrician and gynaecologist and his team.

In a third current case Richard is acting for a consultant radiologist who is accused by his Trust of over claiming for the interpretation of scans out of his contracted hours. Having in the recent past prosecuted a fraud case involving a consultant for the GMC at a Fitness to Practice Panel, Richard's familiarity with NHS consultant's Job Plans and the workings of the NHS Counter Fraud Service have proved of great value.

Richard is also acting for a Defendant NHS Walk In Centre where failure to diagnose a condition is alleged against a community practice nurse.

Richard's expertise in handling cases, including brain damage cases, with a plethora of experts is a particular specialty – both within and without the Rehabilitation Code.

Notable cases:

- Kenth v Heimdale Hotel Investments Ltd [2001] TLR 3 July 2001 CA – (on acceleration of pre-existing back condition)
- Staples v West Dorset District Council [1995] 93 LGR 536 CA – (on liability for an injured visitor to a public open space – the Cobb at Lyme Regis)

Richard is a Recorder with a "civil ticket", which involves trying multi-track personal injury actions. He has also lectured to solicitors and other professional bodies on personal injury and healthcare.