

Professor Cam Wareham (Member - Arbitration) Guernica 37

Admitted:

Fellow - Chartered Institute of Arbitrators (2023)

Admitted to the CIArb list of Arbitrators -Business Scheme

Admitted to the CIArb list of Mediators

Admitted to the American Health Law Association - Mediator and Arbitrator (roster)

UK Register of Experts - Expert Witness / Expert Determination

Qualified: Arbitration and Mediation (CIArb -Fellow 6086379)



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(Arbitration)

Introduction

Cam is an Arbitrator and Mediator with significant experience in the provision of Expert Opinion and Resolution of Disputes, specialising in medical and life sciences matters. He combines 20 years of clinical experience within an academic background and formal legal qualifications to provide an in-depth understanding of the issue, operating with a fair and balanced approach when issuing a decision on merits or assisting parties to resolve their dispute.

For the last 15 years Cam has become known for his experience in the provision of Expert Determination and Opinion, often being seen as a 'go to' practitioner for difficult disputes of a complex medical and scientific background.

Cam provides both 'paper' based and 'oral' opinion and has been instructed in several jurisdictions including Scotland, ROI, Australia, New Zealand and England and Wales.

He is regularly instructed by NHS Resolution England and the Legal and Risk Services for NHS Wales.

Cam has sat as Chair on several occasions for the Clinical Governance Committee of a Surgical College in Australasia, determining registrants Fitness to Practice and membership, in addition to providing determination of findings for the New South Wales Health Care Complaints Commission.

Cam has provided a large number of medico-legal opinion and determination of complaints on behalf of practitioners and NHS Trusts as well as 'stage 1' determination of medicolegal claims against fellow practitioners in private hospital practice.

Cam has acted as Mediator in a long-standing dispute between two surgical representative organisations which lasted for 9 months and have appeared before disciplinary panels providing opinion in FTP regulatory hearings in the UK, most notably assisting the Health Care Practitioners panel in a finding to dismiss allegations against a practitioner accused of serious sexual offences in a 28 day hearing.

Cam's academic activities have seen him appointed as the immediate past Head of School for the University of Western Australia's Doctoral Programs in Podiatric Medicine and Surgery. He has held clinical and managerial positions in NHS trusts as well as senior academic positions in Universities in Durham, London, Sunderland and Australia.

Cam has a strong understanding of Board level activities, having held positions on the national board for Podiatric Surgery in addition to MHRA and Department of Health board membership. Cam is currently a Clinical advisory board member for a start-up Biotechnology company.

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Current work

Negligence

D v T – (Australia -NSW) advising legal team for claimant with regard to clinical negligence of failure to undertake appropriate diagnosis, failure to refer, failure to undertake procedure with appropriate care and attention.

W v K - (Australia-WA) advising legal team for defence with regard to allegations of failed procedure, failure to appropriately place metalwork, failure to provide appropriate after-care.

H v Health Board (Wales): Instructed to determine and advise on allegations of negligence and failure to diagnose, failure to follow up post procedure and ongoing condition and prognosis, resulting in partial liability and settlement.

T v Health Board (Wales): Instructed to determine and advise on allegations of negligence delay in diagnosis, delay of referral, resulting in loss of limb, which were successfully defended by the Trust.

M v G (Australia -WA): Instructed for claimant in an allegation of negligence resulting in permanent disability and ‘non-union of joint’ surgery. Expert opinion assisted in securing a successful claim.

Personal Injury

P v A (Insurer): Instructed to undertake examination and report on condition and prognosis regarding accidental injury in a private dwelling. Liability was admitted by the respondent. The respondents insurer was reluctant to honour the claim and instructed a further expert opinion to detail the injury, the impact and the likely prognosis of the injured party.

Education

- Master of Laws (with Distinction). University of Aberdeen (UK). 2023
- PG Cert in Medicines Management (with Distinction). University of Ulster (UK). 2020
- Doctor of Medical Science (Podiatric Surgery). University of Ulster (UK). 2006
- Completion of Statement of Higher Surgical Training (Podiatric Surgery). Royal College of Podiatrists (UK). 2004
- Certificate in Education. City and Guilds London (UK). 2001
- Fellowship In Surgery. Royal College of Podiatrists (UK). 2000
- Fellowship in Foot and Ankle Surgery (Visiting). St Francis Hospital / Connecticut USA. 2000
- PG Diploma in Podiatric Surgery. Ohio College of Podiatric Medicine / New Zealand College of Podiatric Surgery. 1994
- Bachelor of Science (Podiatric Medicine). New Zealand National Podiatry School with the University of Westminster (UK). 1994

Accreditations

- Fellow of the Chartered Institute of Arbitrators Certified in Arbitration and Mediation (6086379)
- UK Register of Expert Witnesses Podiatric Medicine and Surgery (U32232)
- Fellow of the Royal College of Podiatrists (CCST Podiatric Surgery) (Registration 13810)
- Fellow of the Royal College of Physicians and Surgeons Glasgow in Podiatric Medicine (154771)
- HCPC (UK - Registration Ch11852) – Annotated in Podiatric Surgery and Independent Prescribing
- AHPRA (Australia-Registration POD0002278645)
- Annual DBS (Enhanced) vetting Scheme

Professional (Legal) Skills Training

Written reports and Expert Witness course. Bond Solon-Medical experts. 2008

Introduction to Alternative Dispute Resolution. CI Arb. 2020

Fundamental Legal Skills – Tort, Contract, Legal Systems, Evidence, Crime, Mediation Law, Arbitration Law, International Law, Arbitration Practice. CI Arb / University of Aberdeen. 2022

Principles of Legal Negotiation. CI Arb / University of Aberdeen. 2022

Mediation. CI Arb / University of Aberdeen. 2022

Arbitration (International and Domestic). CI Arb / University of Aberdeen. 2022

Professional Appointments

Department of Health (UK) 2004 – 2006. Appointed as national representative to the National Patient Safety Agency to advise on patient safety concerns on behalf of AHP's

Department of Health (UK) 2005 – 2006. National AHP Consultant appointments committee to advise on AHP Consultant level appointments and providing advice on the support of higher level practitioners

Faculty of Surgery Board, Royal College of Podiatry (UK) 2010 – 2012. Appointment via invitation to advise on education of podiatric surgeons, examination and research and development

Royal College of Podiatry (UK) 2010 – 2014. Appointment to Medicines Committee to represent the Faculty of Surgery in the establishment of Independent Prescribing for Podiatrists within the HCPC framework

Royal College of Podiatry (UK) 2010 – 2014. Examiner for the Faculty of Surgery / Registered Tutor

University of Brighton (UK) 2012 – 2014. External examiner for Masters in Podiatry (Podiatric Surgery)

Australian Association of Podiatric Surgeons 2019-2022. Chair of the Clinical Governance and Review Committee

Awards

Invitation to an audience with HM Queen Elizabeth II, Buckingham Palace, in recognition to services to Healthcare in the United Kingdom 2006

Invitation to an audience with the RH Tony Blair PM, Number 10 Downing Street, in recognition of services to Healthcare in the United Kingdom 2007

Selected Speaking Engagements

University of Sunderland - AI Medicine /Dispute (2024)

Bedfordshire NHS Foundation Trust – Medical Negligence and Consent -staff training event 2023

University of Western Australia (Australia) – Medical Negligence and the Podiatrist – Doctoral Student event - DPM class 2023

Hutt Hospital DHB (New Zealand) - Medical Negligence and Consent – Staff training event 2021

University of Western Australia (Australia) – Medical Negligence and the Podiatrist – Doctoral Student event - DPM class 2021

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Australian Association of Podiatric Surgeons –
Professional Negligence and ‘Duty to Inform’ – WA
Branch event 2020

Nuffield Hospital, Ipswich, Foot and Ankle Symposium.
Complications in First Ray Surgery 2019

Foot and Ankle Show, Liverpool – Getting Comfortable
with Risk in Surgery, 2018

Royal College of Podiatrists -Faculty of Surgery
Conference Organiser, 2011

German Foot and Ankle Surgery Society – Arthroscopy of
the Subtalar Joint 2008, 2009

Expertise

Mediation, Arbitration and Expert Determination

Clinical disputes (User : Provider)

Provider (Healthcare) disputes

Team / staff group disputes

IP disputes regarding Health or Life Science matters

Disputes regarding pharmaceutical / biotech / medical
devices.

International provider disputes (domestic and international)

Access to Healthcare - State / subject dispute

Current Employment

Consultant (Medico – Legal) 2008-2023

WarehamAdreani Ltd. London, UK

Dispute Resolution with a focus on the Healthcare and Life
Science sector.

Provision of Medical Legal and Personal Injury opinion for
Claimant and Defendant 40:60

Provision of Expert opinion in Tribunal Hearings and
Counsel Conference

Arbitration and Mediation to the Healthcare and Life
Science Sector, NHS Trusts and Professional Societies
representing clinicians.

Regularly instructed in England, Wales, Scotland, ROI,
Australia and New Zealand.

Academic and Professorial Positions

University of Sunderland 2020-

University of Western Australia 2020-

Academic activities concentrate in the Medical Law sector,
providing teaching and program direction/ curriculum
development.

Teaching of medical ethics on the UWA programs for final
year students in addition to teaching medico-legal skills and
practice management to final year student practitioners.

Co-writing a new curriculum for the Doctorate in Podiatric
Medicine for the University of Sunderland

Listed as a PhD (level C) supervisor.

Recent and Past Cases

Negligence

HS v Secretary of State for Health and Great Western
Hospitals (2022): Instructed in a long running and high
value claim against an NHS department regarding failed
foot surgery to correct a Diabetic Foot deformity. Expert
opinion and oral testimony resulted in partial liability and
a reduced settlement.

FB v Secretary of State for Health and Homerton NHS
Hospital Trust (2018): Instructed in a case regarding
failed foot surgery and loss of digit in a child. Resulting in
a successful claim and compensation.



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FB v Secretary of State for Health and Homerton NHS Hospital Trust (2018): Instructed in a case regarding failed foot surgery and loss of digit in a child. Resulting in a successful claim and compensation.

RT v JW (2018): Instructed in a claim of misdiagnosis, failure to refer and loss of limb against a practitioner Podiatrist. This case turned on interpretation of NICE Guidelines and failure to follow good practice. Resulting in a successful claim to restore and compensate the claimant.

SW v Secretary of State for Health and Wye Valley NHS Trust (2017): Instructed in a claim of failed foot surgery, negligence and failure to heal. Expert opinion assisted in successfully resisting the majority of claims brought against the Trust.

Regulatory

Norwich NHS Trust v Anon (2008): Commissioned by the NHS to investigate and opine on a large series of complaints against a Consultant Surgeon (13 separate complaints) for clinical mismanagement and misadventure, resulting in Disciplinary action against the practitioner.

HPDT and DJ v SE (2015 NZ): Instructed to opine by Counsel in a Health Practitioners Disciplinary Tribunal action against a practitioner who was subject to a large series (5 specimen) complaints of clinical negligence and Fitness to Practice, with a sanction of dismissal from the Register. Full 28 day hearing with written and oral evidence, examination and cross-examination.

Registrant exonerated of all allegations and charges with no further action to be taken.

Northampton NHS trust v Anon (2017): Commissioned by the NHS to investigate and opine regarding a complaint of negligence against an individual Consultant, resulting in the successful denial of allegations.

DE v JN with the BMI Hospital Group (2017): Commissioned by the MAC and Clinical Governance Lead to investigate and determine a complaint against a Consultant for negligence and inappropriate billing, leading to a settlement to the complainant.

HCPC v KT (2018): Instructed by Counsel in the defence of a practitioner who faced (27 counts) Allegations of Sexual Misconduct. In a hearing lasting 28 days, the practitioner was acquitted of all charges brought against him following Expert Testimony of Intimate examination technique. The Registrant went on to be acquitted in the parallel criminal action.

AAPS v JK (2021 Aus): Chair of the Clinical Governance investigation committee in a case against a registered practitioner who faced 4 allegations of negligence. With 2 findings upheld the case was referred to AHPRA for determination.

AAPS v AK (2021 Aus): Chair of the Clinical Governance investigation committee in a case against a registered practitioner who faced 2 allegations of negligence. With no findings upheld the case was dismissed.

AAPS v CP (2021 Aus): Chair of the Clinical Governance investigation committee in a case against a registered practitioner who faced 1 allegation of negligence. With no findings upheld the case was dismissed with comments regarding future practice.