

Carl May-Smith

Barrister (Partner)

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Carl is a partner and barrister specialising in regulatory and criminal law with a particular focus on the health and care sector. He provides a broad variety of advice including in relation to health and care standards (CQC and others), health and safety, fire safety, environmental regulation and criminal investigations.

Carl's clients include care providers (independent and NHS), investors (in health and care sector businesses or otherwise), companies requiring proactive or regulatory litigation advice and public bodies.

He has considerable experience of advising and representing individuals and corporate bodies, whether they are facing regulatory or criminal investigations or proceedings, have been the victims of crime or are involved in such proceedings less directly. At other times he provides proactive advice and training to businesses and others on regulatory matters to help them avoid such issues arising.

For investors, banks and insurers, particularly in the health and care sector, Carl offers specialist due diligence services, working alongside commercial and corporate colleagues or independently to apply his wealth of experience in helping identify existing or potential regulatory risks.

He has also advised and represented national and local regulators including the Health and Safety Executive, Care Quality Commission, Natural England, local authorities and fire authorities.

Expertise

Barristers

Criminal compliance and regulatory

Environmental

Health law

Inquests

Social care services

Transaction support and due diligence

Featured experience

Challenging CQC Enforcement & Reports

Challenging CQC registration cancellations, urgent enforcement action, Warning Notices and inspection reports including Tribunal appeals.

Successfully prevented closures of services and secured permanent changes to CQC's standard inspection report wording.

Corporate Restructuring - CQC Registration Advice

Advised upon and assisted one of the largest UK care home groups in relation to CQC registration requirements for internal restructuring.

Provided a comprehensive registration service including coordination of registration applications in Scotland and Isle of Man.

CQC Prosecutions of NHS Trusts

Advising acute hospital Trusts in respect of police manslaughter investigations and associated CQC criminal investigations following patient deaths, including consideration of individual clinician liabilities.

Representation in eventual CQC prosecutions.

Criminal Regulatory Investigations

Advice and representation of a large care home group following a fatal fire.

Successfully navigated an internal investigation, police and CQC investigations, inquest and civil claim.

Achieved reduction in charges following fire authority prosecution, now before Court of Appeal in respect of the interpretation of fire safety duties and the Mental Capacity Act.

Testimonials

"[Carl's] strategic advice assisted in [our business] re-setting the relationship with the CQC ... the Care Standards Tribunal [proceedings] played a part in a more constructive relationship developing."

Head of Legal, Specialist Care Provider ,

"[Carl's work for us] showed a skilled and nuanced approach that sets Browne Jacobson apart from [competitor firms]."

Chairman, Specialist Care Provider ,

