

FAQS FOR SOLICITORS

Q Why are you offering only videoconference examinations and not face to face?

A In line with the new Government Guidelines in respect of COVID-19 and with no clear understanding of how long it will take for life to get fully back to normal, we are keen to ensure we stay “Open for Business” to support both you and the people you are representing. We recognise that many of the claimants involved in a medicolegal claim are already anxious about the length of time it can take for their litigation to reach conclusion. Many are uncomfortable, in pain or facing a range of financial and social challenges as a result of their health and we want to play our part to help keep business moving forward when it’s possible to do so. There is clear evidence that litigants do much better psychologically and physically when litigation concludes – in most cases it’s beneficial for both the claimant and the defendant to reach settlement as quickly as possible.

We want to help by making it as easy as possible for claimants to meet and discuss their health / injury with our experts to enable their medical reports to be written and available to you without unnecessary delays to the process.

Our experts work in leading hospitals and Trusts across the NHS and they are being advised in the majority of cases to continue to run many of their clinics and consultations by approved videoconferencing channels, as long as it provides the safe clinical setting of a face-to-face appointment and meets GDPR and ethical guidelines. This helps ensure individuals can continue to receive the medical support they need, the risk of backlogs of work building are avoided, and full compliance with the directions in place for the COVID-19 can be met. It also means claimants do not have to use public transport or travel and can meet with the expert in the stress-free environment of their own home. This also provides for nationwide cover allowing claimants to meet with our experts across the UK.

Q Are Consultations conducted by videoconference recorded?

A You must obtain the claimant’s consent to a video conference via a discussion with them following the principles of informed consent i.e., explaining the potential implications of an examination conducted by videoconference to their case if any. The consent of the claimant is implied, including the recording of the consultation, by them accepting the invite and entering into the consultation with our expert. The personal/confidential patient information will be safeguarded in the same way as a face-to-face medical consultation. All videoconference examinations will be recorded and stored on a secure database for 6 months post settlement. This complies with the recommendations and requirements of insurance companies and MedCo. Recordings will only be released to the instructing solicitor IF the insurer or court requires it to be made available. All requests must be made in writing and are subject to agreement by the expert.

Q Are your experts providing any face-to-face consultations?

A Our experts will resume face-to-face consultations when COVID regulations allow and when their examination rooms are available. If the expert believes a follow up face to face examination is necessary, we will arrange one within three weeks of the restrictions lifting, at the expert’s local weekly clinic and make any amendments to the report if required at no extra charge. If a follow up face to face examination is required at one of our regional clinics, we will arrange this examination within 3 months of restrictions lifting.

Q How reliable is a report without a face-to-face consultation?

A Both we and our experts are of the view there is no impact on the quality of our experts reports by working in this way in most cases. However, there may be a few cases where the expert feels a videoconference consultation is not suitable and we will tell you if that is the case and try to find an alternative solution if we can. The report the expert provides will explain any limitations in their examination as a result of a video conference and if the expert feels it is necessary will arrange a free face-to-face consultation with your claimants once the restrictions have been lifted and it is safe to see them in the person.

Q Will a report written using a videoconference stand up to scrutiny by the court?

A The report will clearly state the examination has been conducted by videoconference. It will also include any limitations of the consultation or opinion if there are any. Ultimately it is for you, the claimant and the court to decide if a videoconference is suitable for your case and we always strongly recommend that if a case cannot be settled between parties and proceeds to trial a face-to-face consultation should take place if possible.

Q Are doctors and surgeons able to give a medical opinion or advice without having a face-to-face consultation?

A [NHSX](#) (who are the responsible governance body for NHS England for digital transformation and policy) have encouraged NHS clinicians in England to use videoconferencing for consultations from the start of the Pandemic. This link will take you to their website which provides more information.

“We encourage the use of videoconferencing to carry out consultations with patients and service users. This could help to reduce the spread of COVID 19. It is fine to use video conferencing tools such as Skype, WhatsApp, Facetime as well as commercial products designed specifically for this purpose. The consent of the patient or service user is implied by them accepting the invite and entering the consultation. But you should safeguard personal/confidential patient information in the same way you would with any other consultation”.

Increasingly videoconferencing technology is being used by Doctors in England to carry out medical consultations as part of their daily working lives. This [link](#) takes you to NHS England and information about how videoconferencing is being used by GPs and other clinicians which may be useful information for you and your client.

Q What video conferencing software will you use?

A Our preference is to use ZOOM software which is very simple to use. A member of our team will speak with the claimant before the videoconference to confirm they are comfortable and happy with the arrangements. They will explain how the videoconference will work and answer any questions the claimant may have. We will send both the claimant and the expert a link, either by email or by text, which they will simply click on to access the videoconference. The expert will be able to see them and speak to them via their computer camera and vice versa.

Q Is your videoconferencing software GDPR compliant and confidential?

A YES. The software that we will be using has been confirmed by our Data Protection Officer (DPO) as fully GDPR compliant. The expert will manage the consultation in the same way as a normal face to face consultation, taking the usual precautions regarding patient confidentiality. Only our expert will attend the consultation and the claimant will be asked to attend the consultation in their own home (or your office if you wish). The claimant may attend with a pre-approved chaperone if they advise us at least 48 hours before in writing. We recommend the attendance of a chaperone for female claimants who may need to remove part of their clothing for the expert to carry out their examination. ID checks will be carried out by both parties as happens in a face-to-face consultation and so your claimant must be able to show Photo ID in the form of a driving licence and/or passport and a utility bill showing their name and address (which should be the same as the address on the medical records provided to us by the solicitor) AT THE START of the videoconference. If this is not available, the videoconference will be terminated. Our expert will also show the claimant their ID and will conduct the videoconference from a secure suitable environment with nobody else present.

This link is for the ZOOM Data Protection notice, or please type the following URL into your search engine:

[https://support.ZOOM.us/hc/en-us/articles/360000126326-Official-Statement-EU-GDPR- Compliance](https://support.ZOOM.us/hc/en-us/articles/360000126326-Official-Statement-EU-GDPR-Compliance)

Q What support will the claimant receive to be able to use your videoconferencing software?

A We use ZOOM software which is very simple to use. A member of our team will speak with the claimant before the videoconference to explain how it works. We will send the claimant a link, either by email or by text, which they will click on to access the videoconference. The expert will be able to see them via their computer camera and vice versa and will confirm with them that they can clearly see and hear the expert. Please ask your client to ensure they are available on the telephone for a member of our team to call them to check they can access the link before the call.

Q Does the claimant need a computer, or can they use their smartphone?

A Claimants can access the videoconference using a smart phone, tablet, iPad, laptop or computer.

Q What should the claimant expect at a videoconference?

A The expert will confirm their identity and ask the claimant to confirm their identity with a photo ID drivers' licence and/or passport as well as a utility bill which matches the name and address of the claimant's records provided by the solicitor to us. The claimant will be asked to confirm the address (preferably their home) of where they are participating in the conference.

Sometimes an expert may suggest a second person be present to help the claimant adjust their clothing or perform touch-tests, that they cannot perform on themselves. If that is the case, the claimant will be informed in advance of the consultation. The approved chaperone will also need to provide photo ID in the form of a passport/driving licence, and they should be visible to the expert throughout the conference.

The claimant may have been asked to complete a questionnaire provided by the expert prior to the videoconference and they may be asked to explain or clarify the information on the questionnaire by the expert. The expert will ask them relevant questions about their case and health.

The expert is likely to ask the claimant to adjust their clothing so that they can see any scarring or alterations in skin colour on the parts of the claimant's body affected by the pain, injury or condition. The claimant should wear suitable loose clothing and be able to remove or move parts of their clothing if needed to enable this to happen. They should have a sheet or a cover with them to ensure they are able to shield other parts of their body not requiring examination by the expert to protect their modesty. We recommend female claimants have a chaperone present if they need to move or remove their clothing. If a claimant feels uncomfortable at any time, the expert will stop the examination at their request.