

FAQS FOR SOLICITORS

Q Why are you offering videoconference examinations and as well as face to face consultations?

- A** 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 run many of their clinics and consultations using approved videoconferencing channels, as long as it continues to provide 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 in compliance with the directions in place by the Government in respect of the Covid pandemic when it applies or for example if they are unable with good reason to attend a physical consultation for physical or psychological reasons. This also provides an opportunity for all potential claimants to meet with the expert of their choice by allowing claimants to attend consultations with our experts using approved technology when it is appropriate to do so.

Q Are Consultations conducted by videoconference recorded?

- A** The instructing solicitor must obtain the claimant's consent for a video conference via a discussion with them following the principles of informed consent i.e., explaining the potential implications including possible limitations of an examination conducted by videoconference to their case if any. The consent of the claimant to have the examination via videoconference is implied, including the recording of the consultation, by them accepting the invite and entering into the consultation with our expert. However, you must confirm that you have received explicit consent from the claimant or service user that MLP and the expert can process their special category data for the purposes of a medical consultation via videoconference and for the preparation of a report. 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. We understand this complies with the recommendations and requirements of insurance companies and MedCo, but the responsibility is the instructing solicitors to check this is acceptable. 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 are able to offer both face-to-face consultations providing there is no Government direction or other reason that prevents this. The expert will consider whether a videoconference is suitable. However, it is important that both the solicitor and the claimant understand that if the expert finds that the limitations of the a videoconference consultation is detrimental to their ability to complete their report to the standard they require then the expert can insist on a follow-up face to face consultation within a reasonable timescale of no more than 3 months which we will arrange at a reduced cost of £300 plus VAT.

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

A Our expert will be of the view that subject to instructing solicitor agreement and request for a videoconference consultation, that there is no impact on the quality of their report by working in this way. However, it is important that both the solicitor and the claimant understand that if the expert subsequently finds that the limitations of the videoconference consultation is detrimental to their ability to complete their report to the standard they require then the expert can insist on a follow-up face to face consultation within a reasonable timescale of no more than 3 months which we will arrange at a reduced cost of £300 plus VAT.

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 and the reasons why. It will also include any limitations of the consultation or opinion if there are any. Ultimately it is for the instructing solicitor, the claimant and the court to decide if a videoconference is suitable for the 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.

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 when it is appropriate to do so for example during the Covid-19 pandemic.. This [link](#) will take you to their website which provides more information. Increasingly videoconferencing technology is being used by Doctors in England to carry out medical consultations as part of their daily working lives.

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 and ensure they are set up and ready to speak to the expert. 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 their solicitors office if they prefer). The claimant may attend with a pre-approved chaperone if they advise us at least 48 hours before the consultation 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 their 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.

The Link/URL below is for the ZOOM Data Protection notice.

<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 and will contact them at the start of the consultation to ensure they are comfortable and properly set up and ready for their consultation with the expert. We will send the claimant 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 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 their solicitor to us. The claimant will be asked to confirm the address (preferably their home or solicitor's office) 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 or to demonstrate movement of their limbs etc. 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.