

Examination Guidelines

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Owner: Expert Audit and Peer Review Committee

Summary

The purpose of MedCo is to govern and facilitate the sourcing of medical reports in accordance with the Civil Procedure Rules, providing fit for purpose quality medical reports and accreditation of medical experts.

An integral part of a quality medical report is providing a claimant with a fair and comprehensive medical examination.

In line with this, MedCo has provided these Guidelines which are specific to the volume and duration of examinations. Medical experts must consider these when producing medical legal reports.

Whilst these Guidelines are directed at medical experts, MedCo expects Medical Reporting Organisations (MROs) to also apply these Guidelines in conjunction with section 1.13 'Direct management of an MRO's panel of medical experts' of the MoJ Qualifying Criteria for MROs.

This document also provides information in relation to appropriate examination locations which is also included within the Guidance on MoJ Qualifying Criteria document.

Examination Guidelines

Experts are required to use their own professional judgment and act in accordance with the MedCo Accreditation training when examining claimants and to allocate the appropriate amount of time and attention to each claimant. In addition, Medical Experts should use their own judgment as to the impact of any travel requirements on their ability to meet expectations.

Each examination must be carried out in a competent and professional manner and in accordance with the expert's own regulators principles such as the [Good Medical Practice](#) issued by the GMC and [Standards](#) set by the HCPC.

MedCo recognises that there are various approaches to medical examinations, however, also recognises the usefulness of guidelines, both for experts themselves and in order to ensure that they can meet the reasonable expectations of claimants, compensators and their representatives.

It is an expert's duty to ensure the content of the medical report produced is accurate and reflects the fact that the expert's primary duty is to the court as set out in [Part 35](#) of the Civil Procedure Rules. Experts also have a responsibility to provide their appointment availability to instructing parties and MROs and must do so in accordance with these guidelines.

The MedCo guidelines for examination volumes and durations are;

- a maximum of 35 examinations in a day; and
- a minimum of 15 minutes spent face to face with a claimant.

These figures are guidelines only. Medco recognises that some experts may want to allocate more than 15 minutes to each claimant and may consider 35 examinations a day to be too many. The figure of 35 should not be regarded as a target.

MedCo does not object to the use of questionnaires, however the use of these should not extend to all areas and as a minimum, the following subjects should be discussed face to face;

- the claimant's account of the accident circumstances;
- the injuries sustained;
- progress of injuries since the accident;
- any treatment received;
- relevant medical history;
- impact on work, lifestyle and daily activities

Appropriate Examination Locations

MedCo guidance on appropriate examination locations for consultations is;

- A physical (not virtual) face-to-face appointment must take place with the injured party;
- MedCo considers that at all times the best interests of the claimant must be considered, and locations must be confidential, private, safe, secure and be regarded as a professional environment.
- Currently, MedCo considers the following venue types as examples but not an exhaustive list:
 - Best practice: Medical facilities e.g. clinics, GP practices and other medically equipped centres.
 - Acceptable: Hotel conference / meeting rooms, offices, experts' private consulting rooms at/adjacent to their residence (equipped to an equivalent standard to medical facilities that are confidential, private, safe and secure) and home visits (e.g. elderly patients, or others where their incapacity means they are unable to travel to you).
 - Inappropriate: Hotel bedrooms, other offices / commercial premises, private residences and via webcams or other means whereby the medical expert is remote from the patient.
- If in any doubt, medical experts should refer to their own regulator and published medical good practice to seek guidance.

Remote Examination

MedCo does not support the use of remote examinations for the first fixed cost medical report.

In exceptional circumstances if there is a request for a remote examination, it is recommended parties liaise with and agree a way forward with the compensator.

Experts are required, if carrying out a remote examination, to record in their report the nature of the claimant's vulnerability or other circumstances that has resulted in the examination being carried out remotely.

Monitoring and Sanctions

In accordance with user agreements, Direct Medical Experts (DMEs) and MROs are obliged to upload case data. This data includes examination dates and duration.

During the term of the agreement MedCo may keep the quality of the medical expert reports under review via assessment of the Case Data provided.

In the event that a review shows an individual has exceeded the guidelines, MedCo may contact the expert for an explanation where necessary or refer for peer review. Regular and consistent exceeding of these guidelines and/or failure to provide satisfactory explanations could subsequently result in suspension or termination of the agreement.