



The Association of Medical Reporting Organisations

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CODE OF BEST PRACTICE

The Preparation of MEDICO-LEGAL REPORTS

For claims assistances in Personal Injury Compensation cases

Foreward

Jack Welch, the ex-CEO of General Electric, said

“One person’s back office is another’s front office”

And so life was imparted into the organisations which count as their core business, the activities which were peripheral to core businesses of other organisations. Member organisations of AMRO provide assistance to all parties involved in civil litigation by providing independent medico-legal evidence and associated services.

1. The careful management of medical issues of a case assists all parties. For the purposes of the instructing party and third party, it provides a detailed insight as to the nature of problems experienced by the claimant. It enables the claimants to take advantage of private market services; it enables the insurers and solicitors to value a claim and to negotiate with knowledge.
2. Recommendations can be made for the benefit of the claimant in respect of treatment or further investigation.
3. This document has been prepared to inspire a Code of Best Practice, to ensure that all parties are working for the benefit of the claimant.
4. The contribution of all parties is critical to the procurement of an independent medico-legal report in an efficient manner. Laid out on the following pages is a brief guideline to assistance the various parties in the smooth running of this element of the legal process.

INTRODUCTION

1. The Instructing Party

- I. The instructing party should take as much information as possible, in respect of the injury, from the claimant and indicate clearly the type of expert required to undertake the examination taking into account the Woolf Reforms' principles of cost, proportionality and speed.
- II. The solicitor or instructing party should study and ideally identify any issues which need specific attention, and notify the medical reporting organisation of their requirements in a clear manner at the time of instruction.
- III. It should be recognised that, at all times, the medical reporting organisation will adhere closely and strictly to the rules and instructions levied on them by the instructing party.

2. The Medico-Legal Report

- I. All members of AMRO should act independently of solicitors and insurers. Members of AMRO will ensure that all their medical staff and experts on their panels remain objective and independent of the organisation, the solicitor and the insurer.
- II. All AMRO members will make sure that the third party and instructing party understands the qualifications and expertise of the proposed experts.
- III. Contents of the medical report will be compliant in content with the MOJ for fast track RTA medical report template,

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1. Preamble

This document is designed to cover the Best Practice for Members, in respect of:-

- a) their relationships with instructing parties,
- b) their contractual or working relationships with the medical experts and
- c) their relationships with the claimant (injured party)

2. Generalisations

It is to be expected that each member of AMRO will have individual service standard arrangements with their work suppliers. The Service Standards will have been written in accordance with the AMRO Code of Best Practice ("COBP"). This document is not intended to supersede or, in any way interfere with such arrangements and in many respects is generalised, rather than specific, for this very reason. Nevertheless, it should be taken on board that AMRO has a protocol and the Code of Best Practice should be read in conjunction with that protocol.

3. Legal Obligations

All AMRO members are aware and compliant with Civil Procedure Rules and such other legal requirements as, from time to time, become effective and/or known to members. All AMRO members will ensure that their panel members are aware and trained in all new and relevant legal matters.

4. Timing and Responsibilities

- I. The Code of best practice has been designed to work through the life of the medico-legal case. Timetables, as such, will vary for different reasons in each case and will also depend on service arrangements between organisations and their suppliers. Therefore, the terminology 'designated time period' will be used throughout.
- II. All AMRO member will have panels of experts who provide medical opinion and who are willing and able (to the best knowledge and best endeavours of AMRO members), to provide medico-legal reports within the designated time periods and in accordance with the designated standards expected of these experts. AMRO members will have checked that they are all registered with the appropriate professional bodies such as the General Medical Council, appropriately insured and present on any relevant specialist register and to the best of their ability, that the information provided by the individual members to the various organisations, is accurate. All AMRO members take updates regularly from the GMC and address their databases accordingly, dealing with errant member of the profession as and when necessary.

5. Data protection Act (“DPA”)

All member of AMRO are registered under the Act and all information they hold on all parties is treated in the correct manner and in accordance with their registration requirements.

6. Claimants

- I. Information held on claimants is treated in accordance with the DPA. Information requested under the Act will, of course, be handled in accordance with the procedures required by the Act. At all times AMRO members will act cordially, courteously and compassionately towards claimants who are referred to them by their instructing parties. All AMRO members will handle all information which comes their way concerning claimants, in a confidential, professional and businesslike manner.
- II. AMRO member will use their best endeavours to make sure claimants are aware of appointment times and that they are given sufficient information and notice to attend.
- III. AMRO member will advise the claimant that the report which is to be organised for their claim is being undertaken by a medical expert whose duty is to the Court, and it will be an independent report.

7. Medical Experts

- I. All experts must be advised of their duties to the Court under the CPR. All experts must be clearly advised that they are to act independently and produce objective reports. (See CPR Rule 36). All experts should be aware that their duties may exceed the Report. All further requirements should be understood, e.g., clarification, joint statements and Court orders.
- II. Each AMRO member will utilise its individual methods by which it conforms to the CPR and instructs experts to examine claimants and prepare reports. The responsibility of the AMRO members is to pass on the relevant information, for the expert to be able to report as instructed.
- III. The special requirements for any case will be clearly brought to the attention of the examining expert.
- IV. Each AMRO member will provide a copy of the instructing party letter of instruction. This letter can be disclosed to the other party if so required and agreed. The expert must be able to understand the purpose of the report from this letter.

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- V. All experts will be advised of the requisite timetable in which the medico-legal report is to be prepared.
- VI. Each individual firm will have its own standards of quality control. Each AMRO member will ensure the report is forwarded to the correct recipient/s.
- VII. The organisation will be responsible for ensuring the medical experts:-
 - a) Understand the manner in which the consultation should be conducted, in respect of the appropriate dress of consultants, appropriate behaviour and cordiality towards patients;
 - b) Professionalism in handling the consultation;
 - c) Courtesy in examination (special requirements for special sectors of the population is appropriate);
 - d) To provide the service in suitable surroundings; and
 - e) To give the claimant an adequate time for the consultation and an opportunity to voice their opinion/concerns/views at the conclusion of the consultation.

8. Housekeeping

All AMRO members will adhere to the rules following receipt of reports, i.e., requests for clarification and other matters which do not arise under the rules, e.g., requests for amendments will be dealt with promptly within the designated time period agreed.

9. Complaints

Members of AMRO will follow procedures, in accordance with their service standards for complaints received by instructing parties, medical experts and/or claimants. It must be remembered that all the medical experts have an overriding duty to the Court and complaints which compromise their integrity will be brought to the attention of the instructing party.

Joint statements and other matters for preparation of Litigation

In accordance with service agreements, instructing parties will advise all AMRO members of any cases which are subject to Court Orders and Court Timetables. AMRO members will comply implicitly with these Court Orders; arranging Joint Statements, re-examinations or other examinations as requested by the Court, in accordance with Court Timetables. If, at any time, Court Timetable cannot be met, notice will be given as speedily as possible to the instructing party, in order that the Court can be informed. AMRO members will use their best endeavours and give their best assistance to

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enable the claim to be handled through the Court as expeditiously and professionally as possible. AMRO members will, through their service standards, have fee agreements for Court attendances with instructing parties.

10. Investigations and Treatment

In accordance with service standard agreements and arrangements with instructing parties, AMRO members can also assist claimants in receiving further investigations and treatment, as recommended in medico-legal reports. AMRO members undertake not to do anything to prejudice the relationship of a claimant with their own GP.

11. Fees

AMRO members undertake to comply with the contractual terms that they have negotiated with their respective medical experts. If disputes cannot be settled between the two parties a referral can be made to AMRO.

12. Unprofessional Conduct by Experts

The expert who does not respond to reasonable and numerous requests to undertake and or complete the work will be reported by the AMRO executive to any relevant regulatory authority or body it feels appropriate.

MISSION STATEMENT AND CONTACT

AMRO is dedicated to the promotion of professional standards in medical reporting and the maintenance of good practice in the presentation and use of medical reports. AMRO upholds the conduct of medical experts in all aspect of legal proceedings acting in accordance with the Civil Procedure Rules.

AMRO members represent a significant source of independent medical evidence for personal injury medical claims. The current members process over 400,000 medico-legal reports per annum. Most of the largest personal injury law firms and many insurers engage AMRO members for the medico-legal reports.

There is an increasing awareness and support for AMRO's objectives within the personal injury industry. Doctors who deal with AMRO member organisations have peace of mind that they will be dealt with in a professional way. Solicitors and insurers can depend on an efficient and reliable service.

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For information about the Code and any other AMRO matters may be obtained from the AMRO: -

Tele: 0844 4129407

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