

Guidance on remote examinations for claimants

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Purpose of this document

To provide claimants with background information on remote examinations to allow them to make an informed decision as to how the examination is undertaken.

Background

In April 2015 it became mandatory to obtain the first medical report via MedCo when bringing a soft tissue injury claim under the Ministry of Justice Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents.

MedCo was introduced to improve the quality of medical reports in Low Value Personal Injury Claims, provide accreditation for medical experts and to ensure the independence of medical reporting.

Face to face examinations

MedCo banned remote examinations as it was not considered appropriate as a face to face consultation allows for a more comprehensive examination.

Following the government's announcement in March 2020 of a national lockdown, MedCo took the decision, to temporarily lift the ban on remote examinations to allow claimants to continue to access MedCo sourced medical reports during lockdown. Claimants are not required to have a remote examination and can still request that it is undertaken face to face when it is appropriate to do so.

Future of remote examinations

The MedCo Board has kept remote examinations under review since the ban was temporarily lifted in March 2020. At present MedCo is being guided by government guidance on the easing of restrictions placed on day to day life in response to the pandemic and is continuing to permit remote examinations for the time being.

MedCo will inform medical experts and medical reporting organisations in advance of any ban on remote examinations being re-instated. If and when any ban is re-introduced medical experts will be expected to undertake examinations face to face in a clinical setting. The medical expert or medical reporting organisation will inform claimants if this changes prior to a consultation taking place.

If a face to face examination is preferred, it is open to a claimant to request one or wait until they are comfortable having a face to face examination. The claimant should check that their claim will not be out of time if they delay having an examination. The law states that in a claim for compensation for injuries, court proceedings must normally be brought (that is, started) no later than 3 years from the date of the accident. If the claimant does not start court proceedings within 3 years, they may lose their right to bring a claim.