

## **CHANGES TO THE GATHERING OF MEDICAL INFORMATION**

### **SUMMARY OF NEW PROCEDURES**

CICA has recently revised some of our processes around gathering medical evidence. The aims of these changes are three-fold: to reduce costs, to identify and reject ineligible claims much earlier, and to shorten the overall average lifespan of a claim.

### **CURRENT PROCESS**

At present, once we have confirmation of an applicant's eligibility to claim compensation, we seek medical evidence to verify any injuries incurred which qualify for compensation under our Scheme. CICA currently pays for these medical reports and carries out the administrative efforts in obtaining them.

### **CHANGES**

- Our initial application process will be refined to identify ineligible applications earlier, where possible without the need for police or medical information.
- Where a claim is eligible, we will telephone the applicant to explain the situation, then, issue a form and covering letter to them to be completed by the relevant medical authority.
- The applicant will now meet the cost of this report and take more responsibility to ensure it is returned to us within an agreed timescale.

### **QUESTIONS AND ANSWERS**

**Q. How do we intend to identify ineligible applications without any medical evidence?**

**A.** We will amend our application form (online, telephone and paper) to obtain more detail about an applicant's injuries and treatment. From this, we should be able to identify those whose injuries were too minor to qualify for the lowest banding of compensation under the Scheme.

**Q. How will an applicant obtain the form for a medical report?**

**A.** We intend to discuss over the telephone with applicants/representatives what information is required to support their case. We will follow this up in writing, with the relevant forms, to confirm our discussion. The applicant/representative

takes or sends the request to the surgery which will include the specific issues that we wish to be covered. For simplicity, we ask medical practitioners return the report directly to us.

**Q. What if an applicant cannot afford to pay for a medical report?**

A. We will provide the applicant with funds to cover the cost of their report, which we will later deduct from any final award.

**Q. Should patients have to pay for reports it would damage the doctor/patient trusted relationship, as patients would not understand why fees have to be charged**

The CICA's guidance for applicants will make it clear that doctors' will charge them fees for CICA medical reports, as they do for many other types of medical report. We will also note that these fees may vary throughout the UK.

In circumstances where it is clear that an applicant can not afford the report fee, the Authority will advance them this sum and deduct it from any final award made.

**Q How much will medical information cost?**

A The BMA are considering setting standard fees in a similar way to the ones that exist at present for information provided to CICA.

**Q. Who are 'vulnerable' applicants?**

A. Under CICA terms, essentially vulnerable applicants are those under 17 years of age or victims who have a mental or physical disorder, or learning or physical disability.

**Q. Will vulnerable applicants also be expected to obtain their own medical reports?**

A. In most cases, we expect most vulnerable applicants to be represented and it is the representatives who will take on responsibility for obtaining medical information. Where an applicant is defined as vulnerable but is not represented, we will not place sole responsibility on them to obtain medical reports; CICA will do this on their behalf and deduct the cost from any final award.

**Q. Applicants taking requests to GPs and dentists personally will be a waste of appointment time?**

A. We recommend that applicants place their requests to the practice reception and administration teams, who in turn will pass the report request to the correct doctor/dentist.

**Q. The more personal involvement of applicants could harm doctor/patient relations?**

A. There will be no change in the information being requested and, as before, our reports will be based on facts and professional opinion. The accuracy of medical reports does not tend to be argued by applicants or their representatives, rather accepted as professionally valid.

**Q. Will applicants be responsible for returning the completed report to CICA?**

A. It is our preference that completed reports are returned directly to CICA from the surgery. This will maintain the security of the information provided, however applicants will as ever be entitled to view completed medical reports. It will ultimately be the responsibility of the applicant to ensure that the report is returned to us within deadline. If an extension of time is required the applicant can request this in the usual way. Also if there has been no response from the applicant after 28 days a reminder will be issued advising of a further and final 28 day extension.

**Q. Why are we implementing these changes?**

A. At a time when efficiency savings are a necessity for all public bodies, it is our intention that the money saved from making these changes will be directed to helping eligible applicants in a timelier manner.

**Q. When are we implementing these changes?**

A. All claims registered from 1<sup>st</sup> March 2011.

**Q. Who did CICA consult on our proposed changes?**

A. CICA consulted a wide range of external stakeholders including health boards, GPs, dentists, representative bodies like the BMA and British Dental Association, victim representative bodies like Victim Support and Rape Crisis and the Association of Personal Injury Lawyers. The feedback was very valuable in developing our new procedures.

**Q. Are there any circumstances where CICA will retain responsibility for obtaining and paying for medical information?**

A. The Authority will continue to pay for any special medical information requested when we invoke paragraph 21 of the Scheme.

**Q. What about requests for follow up medical information? Who would take on the cost of these?**

A. CICA has designed a new medical report pro-forma to ensure that we capture as much information as possible in the first instance, thus reducing the need for further medical information at a later stage. Inevitably, unless the Authority deems that an examination is necessary then the applicant will remain responsible for the cost of providing the medical reports.