

# **Dr Irfan Akhtar**

## **FRCS Glasg, FRCS (G.Surg)**

All the directors, employees, subcontractors and any representatives of the company/medical expert/medical expert should at all times conduct themselves in accordance with their own professional regulator's standards. This policy is intended to complement those professional standards. If in the unlikely event you consider that there is any conflict between the provisions of this policy and your own regulator's professional standards, then those standards should prevail. If any conflict exists, then the medical expert should be notified immediately, so he, in turn can notify MedCo of that conflict, in keeping with his user agreement.

### **Section 1 - The Standards:**

All Directors, Employees and Subcontractors must uphold and conduct themselves to the standards of conduct, performance and ethics listed below:

1. Act in the best interests of the Claimant.
2. Respect the confidentiality of the Claimant.
3. Keep high standards of personal and professional conduct.
4. Provide to MedCo any important information about your conduct and competence.
5. Keep your professional skills and knowledge up to date.
6. Keep accurate records.
7. Behave with integrity.
8. Comply with the Agreement.

### **Section 2 - Applying the Standards**

As a Director, Employee or Subcontractor you must make sure that you are familiar with the standards and that you keep to them. If concerns are raised about you, the company/medical expert/medical expert may consider such factors as it at its own discretion considers necessary (including without limitation the factors set out in this policy) when deciding whether it needs to take any action.

The standards are written in broad terms and are designed to apply to all Directors, Employees and Subcontractors as far as possible. The company/medical expert/medical expert acknowledges that some of the standards may not apply to all.

The company/medical expert/medical expert aims to ensure that a high standard of professional conduct is maintained by its Directors, Employees and Subcontractors. This is so

that the public, suppliers, customers, and regulators (including, but not limited to the General Medical Council, the Ministry of Justice and MedCo) can have confidence in the services the company/medical expert/medical expert provide. The standards are to be considered objectively and there are no hard and fast rules as to how the standards are to be met. All Directors, Employees and Subcontractors, as autonomous and accountable professionals, will need to make reasonable decisions about their practice and how best to meet the standards. The company/medical expert/medical expert have however set out general guidelines to provide a little more detail as to what is expected of you.

### **Section 3 - The Standards of Conduct and Ethics**

#### **1. Act in the best interests of the Claimant**

Each case involves an injured Claimant. The claimant must be kept at the centre of all decisions made when acting as a representative of the company/medical expert/medical expert. Each representative involved in the process is responsible for promoting the Claimant's best interests. You must respect that those interests will vary when providing a service as a representative of the company/medical expert/medical expert. However, your overriding obligations are to facilitate an appointment for the Claimant to undertake a medico-legal examination and report, and to provide that service in keeping with the Claimant's wishes and best interests, whilst respecting and observing the over-riding duty that medical expert has to the Court.

You must not allow your views about a Claimant's sex, age, colour, race, disability, sexuality, social or economic status, lifestyle, culture, religion, or beliefs to impact on the way that you deal with each individual Claimant.

You must maintain and uphold your professional standards at all times when dealing with the Claimant.

#### **2. Respect the confidentiality of the Claimant**

You must treat information about the Claimant as confidential and use it only for the purposes for which they have provided it. You must not knowingly release any personal or confidential information to anyone who is not entitled to it, and you should check that people who ask for the information are entitled to it.

You must keep to the conditions of the Data Protection Legislation and always follow and keep up to date with best practice for handling confidential information.

#### **3. Keep high standards of personal and professional conduct**

You must maintain high standards of both personal and professional conduct so as to ensure that the general public and all other Authorised Users, Data Contributors and Experts registered with MedCo will have confidence in the company/medical expert/medical expert as

a provider of expert evidence and your actions should not undermine confidence in the company/medical expert or MedCo Service. As a representative of the company/medical expert/medical expert, you are expected to co-operate with the company/medical expert/medical expert and its Personnel in a professional manner including, but not limited to, responding to the company/medical expert's correspondence and dealing with complaints in a timely manner. Any unacceptable behaviour towards the company/medical expert/medical expert's other Personnel will not be tolerated.

#### **4. Provide to MedCo any important information about your conduct and competence**

You must inform the company/medical expert/medical expert immediately if you have important information about your conduct or competence, or about the conduct and competence of any other employee or representative of the company/medical expert which comes to your attention. You must advise the company/medical expert immediately if you are:

Convicted of a criminal offence, receive a conditional discharge for an offence or accept a police officer caution.

Disciplined by your professional regulator.

Suspended or placed under a practice restriction because of concerns about your conduct or competence.

If you have been declared bankrupt, entered any individual voluntary arrangements or had a County Court judgment issued against you.

The company/medical expert/medical expert will investigate the circumstances of any report into conduct and competence considering this policy, our contract of employment or service contract and will take action, which may include removing or suspending you from working with or for the company/medical expert/medical expert should that be considered necessary and reporting you to your any other regulatory or professional body that we see fit.

#### **5. Keep your professional skills and knowledge up to date**

You must make sure that your professional skills, knowledge and performance are of good quality, up to date, and relevant to you're the work you perform for the company/medical expert/medical expert. This specifically includes keeping up to date with the process and training manual on dealing with unrepresented Claimants on the LiP portal and any other guidance or legislation that is pertinent to your role, which may amongst other guidance include publications by MedCo and the Civil Procedure Rules.

The medical expert will in any event be accredited by MedCo and will be required to undertake appropriate levels of training, targeted at provision of reports in soft tissue injury cases. All other representatives are required to ensure that they maintain up to date

knowledge on data protection issues and those policies issued by the company/medical expert/medical expert including Anti-Bribery, Data Security and Complaints.

## **6. Keep accurate records**

Accurate records should be maintained of all engagement with the Claimant and on all aspects relating to use of the processing of appointments and reports, including making notes on all interactions with the claimant, especially those which do not conclude in a standard case file action (such as rescheduling and appointment).

The company/medical expert will maintain a right of audit and may wish to examine the records of all representatives whether employed or outsourced, should this prove necessary.

## **7. Behave with integrity**

All Representatives will be expected to behave with integrity at all times. This covers their dealings with Claimants, MedCo and other person or organisation they deal with in relation to the work of the company/medical expert.

This will include (but is not limited to):

Making sure the company/medical expert have full and frank disclosure of any Direct Financial Link that the company/medical expert may have with any other Authorised User of the MedCo portal, and if necessary, reporting such to MedCo should the Director(s) of the company/medical expert fail to disclose them and keeping that disclosure updated if there are any changes.;

Ensuring that the company/medical expert is not involved in the payment of referral fees whether or not this is in breach of the Legal Aid Sentencing and Provision of Offenders Act 2012.

Not providing any misleading information in their dealings with the Claimants, MedCo or any other party involved in the process of procuring expert medical evidence.

Not engaging in any other practice that would undermine the public confidence in the company/medical expert, MedCo or the LiP Portal service.

Comply with the relevant Civil Procedure Rules, Practice Directions and Protocols.

## **8. Comply with the Agreement**

You will comply with the relevant Civil Procedure Rules, Practice Directions and Protocols at all the time. You will always comply with the MedCo Rules, the User Agreement set for the medical experts by MedCo, MOJ Guidance on medical experts engaging with unrepresented Claimants and any LiP Portal Agreements or guidance.

Representatives should ensure that they are familiar with the terms the agreement that the company/medical expert has with MedCo and the MedCo Rules and ensure that they strive to help the company/medical expert adhere to them. Representatives should also make themselves familiar with the duties of the company/medical expert under the agreement and guidance given in the future regarding the processing and treatment of unrepresented Claimants on the LiP Portal.