



# The Facilitate Factor

**Facilitate  
Expert**

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**Newsletter**  
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## An Update from Claire Labio

Claire Labio  
Director

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So I've been a bit slow in pulling the first newsletter of the year together. Truth is that I always find January and February to be cold grey, uninspiring months. However spring feels like it is finally here bringing some hope for normality to resume with it. It is time to shake down and push on.

In this edition I decided instead of full articles I'd canvas the views of some of my experts as to the success of their zoom consultations. There are varying results - which is unsurprising given zoom lends itself to some areas of practice better than others.

Over lockdown I received a number of enquiries about our fee structure and how we charge for our services. Some of you have been bitten by companies charging per chaser letter or requesting an upfront fee for their service – similar to a divorce lawyer and we all know how much they charge!

When I founded Facilitate several years ago I decided not to charge any upfront fees nor charge per chaser letter/call. The only fee you pay is our agreed percentage of 8% once we are successful in recovering money from those instructing you. I understand the relationship between you and your Solicitor/agencies is important and whilst a fee may have been overlooked here or there, you still want to continue the relationship so it's a finely balanced operation! Of course there are some firms who need a more hardened approach so we discuss any such approach with you to ensure the best result is achieved for everyone.

Perhaps you have been thinking about seeking assistance for your fee collection over lockdown. Perhaps you would like to concentrate more on the fee generation report drafting side than spending your time making spreadsheets of work done and who owes what.

We can assist with all of that and with the minimum of fuss. Send me an email, ask some questions and I'll explain how we can help.

[support@facilitateexpertsolutions.co.uk](mailto:support@facilitateexpertsolutions.co.uk)

### PA and Typing Support

We have had a number of enquiries recently for PA assistance. We now offer this as a standalone service separate from our fee chasing giving you a dedicated, experienced PA to help handle your day to day affairs.

## Our Experts Zoom Consultation Results



### Prof Gus Baker

PhD, C Clin Psychol, M Clin Psychol FBPSS MEWI

"Having completed far too many interviews by Zoom it is difficult not to be aware of the inadequacy of this method of communication. The problems of interruptions, poor images and not being aware of what else is going on in the claimants immediate environment creates a real deterrent to a successful interview. Longing for the old days...."

### Ryan Aguiar BA, MA, PGDip App Neuropsychology Consultant Clinical Neuropsychologist

The restrictions imposed by the pandemic has meant that experts have had to explore alternatives to traditional face-to-face contact in order to undertake medico-legal assessments. We have had to do this in a way that guarantees no drop in the integrity of the assessments. Digital remote video platforms have opened a whole new way of working for the expert witness. Having tried several of the platforms, the one that has worked best for me has been the Microsoft Teams platform. It links in with my outlook calendar for ease of scheduling. The platform is very user-friendly and does not have a time limit, unlike the free-to-use Zoom version.

Feedback from clients has been good. They like the fact that they can meet with the expert from the comfort and safety of their own home, which reduces the anxiety that comes with meeting someone for the first time in an unfamiliar setting.

Remote assessments do require more administrative input in the form of setting out the requirements of confidentiality and the independence of the assessment.

There is a risk that the expert may not be able to see every person in the room and does not offer a guarantee against coaching of the person being assessed. I get around this by asking the person if there is anyone else in the room with them and to ensure that they answer all questions themselves. I have not had a problem so far.

The remote assessment is not a replacement for face-to-face contact and a full and comprehensive cognitive assessment cannot be done remotely.

Some clients may have limited access to a large display screen or may have a low-resolution phone screen. It is worth checking beforehand. Some clients, particularly those who are facing a criminal charge and are on bail may have restrictions imposed on their access to the internet as part of their bail conditions and this will restrict their use of remote platforms.

Perhaps the greatest benefit of remote platforms has been the ability to have more immersive discussions with other experts and with counsel.



## Our Experts Zoom Consultation Results

### Jonathan Hobson ENT Surgeon

'Rule of six, social distancing, Sophie Ellis-Bextor's Kitchen Disco and Zoom are just some of the concepts and phrases that we have become used to over the past year of lockdowns due to the Corona pandemic. Of these, Zoom is probably of most relevance to the medico-legal expert. Most of us realised I think in March 2020 that our practices were going to change fundamentally. The Court has always been an enthusiast for face to face assessments and indeed MedCo portals have previously not allowed video consultations.

There are a variety of video messaging platforms available, including Zoom, WhatsApp and Skype but following early problems with regards to security and random strangers being able to drop into a video consultation, many experts have become familiar with Zoom as a default video consultation platform.

The consultations are now encrypted and password protected and more and more people including claimants and members of the public are familiar with the platform. Trawling through my hard drive, I can see that my first Zoom was on April 14th 2020 so a month or so after the start of lockdown 1.0. I work for Premex as well as other medicolegal agencies and they helpfully provided a set text for claimants to explain that the consultation was being recorded, was using encryption, recordings would be stored in accordance to GDPR guidelines etc. This has been helpful, I think at reassuring claimants of this new way of working although for many this may be their first experience of seeing a medicolegal expert and may not know of any other way of doing it.

Overwhelmingly, I have found Zoom to be an excellent resource. It is convenient for expert and claimant alike to be able to conduct consultations in the comfort of your own home or office without needing to commute, find a parking space, navigate to an unfamiliar town or city and so on. I have found that claimant's are more relaxed when at home and are more likely to talk more freely needing less questioning about accidents and incidents than they might do when in more unfamiliar surroundings. In terms of the consultation I have found no downside to using Zoom at all. Clearly there are issues in terms of examination but in fact with a decent light or even a phone camera I have been able to look in mouths and noses via video call and whereas the view if of course not as clear as it would be IRL, it is often not bad. The exam technique can be caveated in the report and if needs be the claimant can be brought back for face to face assessment at a later date.

All in all, in some ways we are lucky that the pandemic hit when it did. Many (although not all) have fast(enough) broadband. We have Netflix for streaming, Amazon and online grocery shops for food delivery and Teams, Zoom, WhatsApp etc for conducting business and keeping in touch with family and friends. Zoom as platform for conducting medicolegal assessments started out of necessity at a time when many of us were not sure when we would see friends, colleagues or family again. As we emerge out of lockdown and back to some sort of normality, it seems as if it will remain here to stay - now more for convenience and by choice than out of necessity.



## Our Experts Zoom Consultation Results

### Safi Madar B.OT(Hons) Occupational Therapist

Prior to the pandemic, the vast majority of care and occupational therapy assessments took place in the Claimant's home. The pandemic has made us all think creatively about alternate ways of working and achieving the same outcomes without compromising on the standard and quality of work produced. This has necessitated the use of various platforms to conduct a virtual assessment, for example Zoom, Whatsapp, Skype, Microsoft meetings, and Face Time. A backup platform is essential if for whatever reason the pre-agreed platform fails. This results in the assessment taking longer than the time allocated and can be stressful for the Claimant, particularly if they are not familiar with different applications.

When a care and/or occupational therapy expert undertakes an in-person assessment they usually obtain a snapshot of the Claimant's ability to function in everyday activities in their familiar home and wider environment. It is the Claimant's opportunity to show and highlight to the expert the impact of the disability on the environment and vice versa, family life and occupied roles.

Virtual assessments work well to gather information relating to the disability but fall short in the expert being able to fully assess the Claimant's physical condition (tone, range of movement, muscle strength, etc), ability to mobilise, transfer, bend, reach and undertake other functional tasks. This is particularly difficult when the quality of the video is poor and also when a person lives by themselves with no one else available to focus the camera whilst mobilising or transferring. A 'head shot' precludes the expert from being able to observe the individual's posture and changes in body position, and any other nuances that are likely to impact on the assessment. It is more difficult to have a fuller appreciation and perspective of the space and layout of a property, and in relation to the use of more complex and specialist pieces of equipment.

Care and occupational therapy assessments are between two and three hours in duration. Being in front of a screen for that length of time is not only exhausting for the Claimant, but can also be exhausting for the expert, especially if there are glitches in the video quality. This can lead to screen fatigue for the expert and has to be carefully managed in considering other virtual meetings and appointments. If a rest break is needed by the Claimant this results in a protracted assessment, with wastage of time.

All is not doom and gloom and some assessments have been more successful than others, and have allowed for cases to settle. From my perspective, photographs and video recordings have helped immensely in firming up recommendations and providing a more definitive opinion. As the limitations of a virtual assessment are acknowledged by the legal profession, there seems to be a greater co-operation between the opposing parties in providing alternate forms of information to help the expert reach their opinion.

The boon of virtual assessments is that it saves on travel time and travel costs, leading to a more productive day. In the lesser value claims, where there is no complex disability and or a pre-existing disability, a virtual assessment may be the preferred assessment method by the legal profession. Only time will tell.

Personally, I look forward to travelling from 'surf to turf' utilising my unique skills as an occupational therapist assessing the impact of disability on function and the environment, which thankfully is not too far off!

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