



Step 3C – Medico-Legal Assessment Guide

Implemented April 2023 | Version 1

1. Introduction

As part of Step 3: Resolution, you will be invited to attend a medico-legal appointment where an assessment will be made of how the abuse you have suffered has impacted you. In order to support you through Step 3: Resolution, Pathways must obtain expert medical evidence to confirm the nature, severity and impact of your injury. This evidence is generally obtained by way of requesting an appropriate psychiatrist, competent in undertaking medico-legal assessments, to write a report.

In order to write a report, the doctor will need to review the relevant documents and then meet with you during a medico-legal appointment. To this end, an appointment will be made for you to attend the doctor or healthcare professional in his or her rooms. Sometimes, this can be offered by remote teleconference if suitable.

2. Who organises/organised the appointment?

The appointment will be/has been organised by your Care Coordinator. Our letter to you containing details of the appointment will identify who has organised the appointment.

3. What should I take to the appointment?

In most cases, Pathways will have provided all the required information to the doctor. If there are reports or other information that you have in your possession and that may be relevant to the appointment, please check with us whether these should also be provided. The doctor will require these in advance of your appointment so that they have sufficient time to review them.

4. Why has this doctor or healthcare professional been chosen?

The doctor with whom your appointment has been organised is specialised in institutional abuse. They have been chosen because they are appropriately qualified and because they have agreed to assess you and provide a written report on their findings. They will have experience in providing medico-legal reports and, in most cases, we

will be familiar with their work from our experience in previous cases. *This is true whether the appointment has been organised by us or someone else.*

The doctor or healthcare professional has a duty to provide an impartial opinion. He or she should not be influenced in their opinion by who has organised the appointment.

5. Can I take someone to the appointment with me?

You are welcome to have someone accompany you to the appointment. However, whether the doctor will allow that person to be present during your consultation is largely dependent on the doctor themselves. In most cases, the person will be able to stay with you, unless their presence is likely to have a detrimental impact on the assessment. Or, they may stay outside the room, and enter with the doctor's consent. In the event that you do have someone accompany you, they must not answer questions for you or otherwise interfere in the assessment in any way.

If you need an interpreter to attend the appointment with you, please notify us immediately, so that we can ensure appropriate arrangements are in place for a professional interpreter to be present. Family or friends are generally not considered to be appropriate persons to interpret for you at a medico-legal examination.

6. What will happen at the appointment?

In most cases, attending an appointment for medico-legal purposes will be much the same as attending an appointment with a doctor or healthcare professional for advice or treatment outside of the litigation scenario. The major difference is that the doctor or healthcare professional who has been engaged to provide a medico-legal report is **not** seeing you with a view to providing you with ongoing treatment or advice and will not do so.

The doctor or healthcare professional will have been provided with information concerning the abuse you have suffered, an impact statement (if provided) and a copy of the investigation report before the appointment. In most circumstances, the doctor or healthcare professional will wish to:

- obtain a history from you;
- ask you questions regarding the impact of abuse;
- ask you questions regarding any treatment you have received directly related to the abuse;
- review any relevant material provided;
- conduct any assessments they may consider necessary.

7. What should I do at the appointment?

The doctor has extensive experience in this area and will seek to provide you with a space where you feel heard and respected. It is important that you answer the doctor's questions honestly. If the examination or assessment causes you any distress, you should express that to them so that they can best support you.

We would encourage you to take any breaks you may feel necessary.

It is important that you attend the appointment as organised; most medico-legal experts will charge a substantial cancellation or non-attendance fee. We may be unable to reschedule for another time. It is also important that you are on time for the appointment and allow up to three hours for the assessment.

8. Is the appointment confidential?

Unlike other medical appointments you might attend, a medico-legal appointment will not be confidential in the same way. What you tell the doctor and the doctor's assessment findings, and opinion will form the contents of a report which will be provided to us, and your support person or legal representative.

You can elect to have your report provided to any other treating practitioners involved in your care such as your GP or psychologist. This can be helpful in informing your health professionals of any diagnosis or opinion which may inform your treatment plan.

9. What should I expect after the appointment?

Everyone's experience is different. Many people express that they feel a sense of relief that their story is on paper and in one place. Some may find the immediate time post-appointment most challenging, so we recommend a trusted support person drive you home if travelling by car. Most people express that they felt heard and were treated respectfully.

10. What happens with the report the doctor or healthcare professional writes?

The report will be sent directly to us, and we will provide you with a copy of the report once we have it. It is not uncommon for it to take 4 to 6 weeks after the appointment for us to receive the written report.

The report will be provided to the relevant parties in your matter and your personal support or legal representative with your consent.

11. Further questions?

If you have any other questions, please do not hesitate to contact your Care Coordinator on 0421 913 121.