

Excerpt from Lord Faulks' Speech at APIL Conference - May 2016

'Returning in a little more detail to whiplash, the MedCo reforms of course were rolled out on 6 April last year. From that date medical experts and medical reporting organisations (MROs) have had to be registered on the new MedCo Portal system if they want to provide initial medical reports in support of whiplash claims.

The new portal introduces much needed independence and breaks the financial links between the solicitors who request medical reports and the medical experts and organisations who provide them. MedCo is also about improving the quality of reports and is introducing a robust new accreditation scheme for medical experts. All experts wishing to write initial whiplash reports will need to attain this accreditation by 1 June 2016 or they will be removed from the system.

Following the implementation of MedCo, a number of practices have emerged which have the potential to undermine both the Government's policy objectives and public confidence in the system. Such behaviour was not envisaged by the Government when the system was developed, and has subsequently been considered as part of the MoJ's recent review of MedCo.

The Government is firm in its belief that practices such as registering multiple 'shell' MROs on the system must stop. The results of the review were published on 24 March which set out detailed measures to be implemented to address these practices. This includes the introduction of a new definition covering the core role and functions of an MRO for the purposes of supplying medical reports through the MedCo system. Other changes include:

- Strengthened wording on the time limits for past relationships;
- An increase in the 'offer' so that search returns will offer a choice of 2 tier one and 10 tier two MROs (up from 1 and 6 respectively);
- Further guidance on the application of the LASPO referral fee ban added to the declaration of financial links; and
- A commitment for MoJ and MedCo to work together to develop further necessary safeguards to make sure that search returns only provide the requisite number of unique results.

The Government is pleased with the work of MedCo one year in. The system is currently being used by authorised users to source over 40,000 medical reports a month, and the MedCo Board is able to analyse management information from the system to successfully identify a large number of attempts to circumvent the system by lawyers, MROs and experts. This has resulted in a significant number of suspensions and in some cases removal from the system. I am also pleased to note the clear channels of communication that are developing between MedCo and the SRA which will, I'm sure, result in appropriate regulatory action being taken where necessary.'