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Formulate Psychology LLP – COVID-19 policy

Expert Witness Assessments

1. Background

- 1.1. The COVID-19 pandemic has disrupted many areas of home and work life, and expert witness assessments are no different. We have been undertaking video-based work since the middle of March to good effect. The British Psychological Society suggests that Teleworking is proving effective as a means of therapeutic service delivery and offers a more than adequate substitute for face to face contact. Certain types of psychological assessment may need to be adjusted, and the conclusions from these may need to be qualified to some extent, but work can still be completed if these limitations are a) not too great, and b) are discussed and considered in the body of the expert opinion.
- 1.2. It is not always possible to complete assessments using remote systems, however. This is typically the case where a) observations of families or parent / child interactions are required; b) where interviews with young or behaviourally challenging children are necessary; c) where adults cannot access adequate technology; or d) where the validity of remote assessments is questioned by one or more party, with implications for their engagement and acceptance of the related expert opinion.
- 1.3. Current government guidance (Working safely during COVID-19 in other people's homes: Guidance for employers, employees and the self-employed, 11 May 2020) suggests that no home visits should be made where clinically vulnerable people are resident. Neither should home visits be made where a person in a household is self-isolating with COVID-19 symptoms. Despite their importance, we do not consider expert witness assessments to be essential work and will not visit the homes of people who are symptomatic. Nor should

professionals undertake home visits or any other work activity outside of their home if they are experiencing COVID-19 symptoms themselves.

- 1.4. Guidance stresses the importance of maintaining social distancing even when there are no symptomatic individuals involved. It also suggests the use of barriers including screens, masks and visors where possible to minimise risk of infection.

2. Policy and procedures

- 2.1. In this context we will work as follows, until such a time as the guidance is significantly altered:
- 2.2. All work will be undertaken via video interview unless it is not possible to do so with adequate validity. The criteria for validity will vary and will be discussed with the instructing solicitor when the assessment schedule is being planned.
- 2.3. In situations where a person is self-isolating or shielded and they do not have access to appropriate technology, we can arrange to send a tablet to that person so that they can use it and return it to in a prepaid shipping envelope. The same is the case for family observations, although this is technologically and logistically more complex so other options will always be explored beforehand.
- 2.4. Where face to face contact is required, this will where possible take place in solicitors' offices, Local Authority buildings, or other corporate venues that have completed their own COVID-19 risk assessments and implemented appropriate measures relating to cleanliness and social distancing
- 2.5. Where it is not possible to do this, home visits can be made subject to certain guidelines. We will contact the household in advance, or ask their legal representative to do, and establish the following:
 - 2.5.1. **Greeting protocol.** The psychologist will knock at the door and then retreat to a 2m distance until the door is answered. They will follow the homeowner into the house at the same distance and maintain it throughout the meeting where possible (see below).
 - 2.5.2. **Seating.** There should be 2m distance between the psychologist's seat and the interviewee. Where this is not possible, e.g. due to room size constraints, this must be highlighted by the homeowner in advance so that other measures can be considered.

- 2.5.3. **Personal Protective Equipment (PPE).** The effectiveness of masks is unclear, but they probably offer some protection. However, they are unhelpful when it comes to psychological assessment due to the communication barrier that they create. It is important for both parties to see each other's reactions and to communicate effectively using facial expressions. For this reason, masks will only be worn where no other adequate measures can be put in place, or where an interviewee insists due to personal health anxieties.
- 2.5.4. **Screens.** We have purchased a portable Perspex screen that can be placed on a table or desk. We expect that many solicitors will have purchased their own screens, so this is primarily for ad hoc use in homes where possible.
- 2.5.5. **Cleaning.** All equipment taken into a person's home or a corporate venue will be cleaned using a suitable product and / or steam cleaned where this is not possible. Staff will always carry hand sanitiser with them and will use it prior to handing any items to the interviewee (this is rarely necessary). They will use sanitiser before they leave the building.
- 2.6. Sometimes it will not be possible to complete an assessment, or parts of an assessment, in a way that can support valid clinical opinion. On rare occasions an entire assessment may have to be delayed, but more often the opinion will be qualified in certain areas. Reports will always highlight any limitations that arise from the assessment format and, where possible, these will be discussed with the lead solicitor in advance.
- 2.7. Sometimes it may be necessary to revise the scope of the Letter of Instruction and this will also be discussed with the lead solicitor at the outset of the assessment.

3. Scheduling assessments

- 3.1. We have moved to an online booking system that allows any client or their representatives to schedule remote assessment meetings. These are offered in two-hour slots and link directly with the relevant professional's diary. Experience shows that two hours is the maximum functional duration of a video interview, so further interviews will be scheduled where necessary.
- 3.2. Ideally any slots booked in this way will fall between three and six weeks prior to the filing date to help us manage workloads effectively.

4. Technological requirements

- 4.1. Online appointments can be completed using a range of video conferencing systems. Our preferred option is Zoom, but we have also used Skype, Google Meet, WebEx, Lifesize, Google Duo and Facetime. Many clients have recently opted to use WhatsApp as this is often already installed on their phones, and we have invested in a system that supports this. WhatsApp offers end to end encryption and therefore happens to be one of the most secure options available, although it only currently works on smartphones and Facetime Portal devices.
- 4.2. While most smartphones, tablets and laptops should support one of more of the above systems, some may have poor audio quality and ideally clients will use the headset supplied with their phone rather than relying on the microphone and speakers.
- 4.3. Poor internet connection will affect even high-end devices. It is essential therefore that anyone proposing to hold a video call must have adequate equipment and connection. Home broadband speeds of at least 2MB/S or a solid 4G data connection are required to maintain a consistent, quality connection. The requirements are greater if others in the household will be using the internet at the same time. If clients are able to stream video from services such as Netflix on their phones or regularly make video calls their connection is likely to support most conferencing systems.

5. Timescales and Costs

- 5.1. Although timescales should not be affected by these changes, it is possible that the logistical challenges of establishing adequate technological links etc could delay assessments. It is also possible that families may need to self-isolate due to the symptoms that emerge during the assessment process. We will update the lead solicitor as and when such issues arise.
- 5.2. There should be no impact on costs other than reduced travel fees.