This submission is made on behalf of the Royal College of Occupational Therapists, the professional body for occupational therapists across the UK.

This submission focuses on the recruitment and retention problems among legal aid professionals, specifically in attracting occupational therapy expert witnesses to undertake medico-legal work. The current remuneration system is not fit for purpose and in failing to recognise expertise of the profession is unfair and discriminatory.

1. **Occupational therapists are autonomous regulated professionals with relevant clinical skills and competencies that provide a unique contribution for medico legal cases.** These skills are derived from a minimum 3 year comprehensive education involving a science-based degree including anatomy, physiology, psychology, social and occupational science incorporating academic and practical learning. As a result, occupational therapists consider all of a person’s needs, physical, psychological, cognitive, social and environmental. Occupational therapists are regularly instructed as expert witnesses in personal injury and clinical negligence cases across the UK.
2. **The skills and competencies expected of occupational therapists working as an expert witness are higher than that of a standard practitioner.** In addition to their recognised professional qualification and significant practice experience, expert witnesses must be “expert” in their field and therefore are more senior. They are required to be seen as a highly experienced, credible expert who can demonstrate contemporary, evidence-based knowledge in their specific area. Most occupational therapy expert witnesses will have at least eight years of experience in their specialist area. However, it must be emphasised that most occupational therapists who take on expert witness work have significantly more experience than this. For instance, an occupational therapist being asked to advise on a spinal cord injury case must have experience of working with spinal injury. They must have knowledge regarding a significant range of equipment relating to such individuals, for example up-to-date information on the type of wheelchair to use and the type of vehicles that are available. They must also be in a position to assess the level of care or support that such individuals need and to be able to base their opinion on a significant amount of experience.
3. **Additional post graduate training is required.** While an occupational therapist with the appropriate level of skills and experience may be an ‘expert’ in his or her field, they will require significant extra training prior to working as an expert witness. Training would include aspects of the medico-legal process so that they are aware of an expert witness’s obligations and potential liabilities under CPR.
4. **Remuneration for occupational therapists acting as exert witnesses should reflect those of an expert practitioner**. In addition it should take into account the additional costs required of independent practitioners e.g. required insurances, specific training and CPD (expensive in this field), office facilities and services and more.
5. **As expert witnesses, occupational therapists deal with the most significant aspect of quantum on personal injury and negligence cases**, in terms of assessing costs for care and equipment (the highest aspect of a claim).
6. **Solicitors have difficulty locating experts to carry out legal aid work.** Failure to offer adequate compensation for the role results in a limited pool of appropriately qualified and experienced occupational therapists with the potential for more junior clinicians taking on legal aid cases. In such circumstances, an uneven playing field would arise with discrimination against those who require legal aid.
7. **Legal aid remuneration should be adjusted for occupational therapists so that pay rates are on a par with professional colleagues.** Agenda for change recognised parity amongst NHS professionals for NHS professionals such as nurses, physiotherapists, speech and language therapists and occupational therapists where salaries are equivalent across the agenda for change bandings. Legal aid rates directly contradict this with the rates for occupational therapists being lower than the other related health professions, this being in the context of occupational therapists providing a greater level of input to medico-legal casework (ref point 5 above).

The Royal College of Occupational Therapists would be happy to expand further on any of the issues identified in relation to occupational therapists.

By way of support and providing further evidence for the above comments the Royal College of Occupational Therapists can also submit its guidance document for occupational therapists working in this field - **Acting as an expert witness Guidance for occupational therapists Second Edition** upon request:

Royal College of Occupational Therapists (2018) *Acting as an expert witness Guidance for occupational therapists.* 2nd Ed. London: RCOT.