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Responses to IOP Related Questions (Psycho-Legal Field)

Webinar - "Making Sense of Earnings Data for Medico-Legal Reports"

Pre-panel discussion questions which are IOP specific

(5 June 2020)

Responses prepared by Dr Sharon Munyaka

Chair: SIOPSA Psycho-Legal Interest Group

SIOPSA Psycho-Legal Interest Group Panel Discussion WEBINAR PROGRAMME (ZOOM + SIOPSA YouTube Channel) 5th June 2020 (10h00 – 13h00)		
TIME	ITEM	PARTY RESPONSIBLE
09h30 – 10h00	Joining the zoom meeting (09h30 – 10h00)	Managed by Dr Sharon Munyaka, Louise Coetzee and Dr Marissa Brouwers
10h00 – 10h15	Short Introduction of the Presenters, Facilitator of Webinar (Dr Sharon Munyaka) (10h00-10h10) Netiquette (Louise) (10h10 – 10h15)	
10h15 – 10h35	Industrial Psychologist Input: Manoko Ratala (20 min)	Manoko Ratala (Sekgwari Mgt Consulting)
10h35 – 10h55	Actuarial Input: Munro Forensic Actuaries (20 min)	Charl Du Plessis
10h55 – 11h15 *(5 min break)	Actuarial Input: Koch Consulting Actuaries (20 min)	Robert J Koch
11h20 – 11h40	Earnings Data Provider: Analytico HR (20 min)	Jaen Beelders
11h40 – 12h00	Earnings Data Provider: 21st Century (20 min)	Morag Phillips
12h00 – 12h20	Earnings Data Provider: Willis Watson Towers (formerly PECS) (20min)	Martin Westcott
12h20 – 12h40	Rewards Specialist: AR Global Rewards Specialist Pty Ltd (20 min)	Averile Ryder
12h40 -13h00	QA and Close Up (20 min)	Dr Sharon Munyaka



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Guidance on the Question and Answer

Using the Question and Answers Slide Deck

- Several questions were sent prior to the panel discussion on making sense of earnings data held on the 5th of June 2020.
- Attempts have been made to provide detailed responses.
- Specific questions posed to members of the panel will form part of their specific PowerPoint slide deck. Please make reference to their slide deck.
- For additional questions relating to SIOPSA Psycho-Legal matters please direct these to the SIOPSA Chair for the Psycho- Legal Interest Group:
 - Dr Sharon Munyaka: sharon@smunyakainc.co.za



Question and Answer : Page 1

Will I get CPD Points?

- Continuing Professional Development Points (CPD) are **issued to registered Industrial Psychologists**. CPD points form part of maintaining your professional registration with the Health Professions Council of South Africa (HPCSA). An event will usually show you if it is CPD accredited and how many ethics points and general points have been allocated.
- The event was **3 hours long and 1 CPD point was allocated for each hour attended**. Based on the actual time that you were in the panel discussion session, you will be allocated CPD points accordingly. There is a ZOOM report that confirms who participated in the panel discussion on the 5th of June 2020.



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Question and Answer : Page 2

How do I calculate loss of earnings of an unemployed person?

- First of all you need to determine and clarify with your Claimant their employment status. With a large informal sector in South Africa and misconceptions in the general understanding of what qualifies as work, you or your Claimant might conclude that the Claimant is unemployed.
- Ask probing questions to determine if they earn any money from various activities which could range but are not limited to being a street hawker, herding cattle, being a child minder, selling food from home, adhoc work etc.
- In the event that the Claimant is indeed unemployed: determine at what point in their history PRIOR to the accident did they earn an income and include that in your report e.g. what was the frequency of payment, what were the dates, how much did they earn from those jobs, why they left a particular job etc.
- Also consider their future earning potential based on the context, the extent of the injuries, their employment opportunities etc.



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Question and Answer : Page 3

What would be the first step to take if you would like to work in this domain?

- First of all you need to be registered with the HPCSA as an Industrial Psychologist in Independent Practice .
- If you did some Psycho-Legal work as part of your internship, you would know if it is an area that interests you. Did you enjoy reading the reports, assisting with report writing?
- If you are new to the field, start with making contact with Industrial Psychologists working in the Medico-Legal field. Voluntary bodies such as the **SIOPSA Psycho-Legal Interest Group** would direct you to Industrial Psychologists who could mentor you. Another voluntary body is the **South African Medico-Legal Association (SAML)** which would have a list of Industrial Psychologists working in the medico-legal field. You can also google and see which Industrial Psychologist is closest to where you are.
- Psycho- Legal work **requires a broad skill set** to help you make sense of the matter, to ask the relevant questions, to work through the various documents received and to be able to write a logical and objective report that will guide the court on the loss of income suffered by the Claimant as a result of the accident that they were involved in.



Question and Answer : Page 4

How do you qualify to be a medico-legal consultant?

- To enter the medico-legal field within Industrial Psychology you need to have been registered as an Industrial Psychologist in independent practice by the Health Professions Council of South Africa (HPCSA).
- It will put you in good stead if you make contact with Industrial Psychologists working in the Medico-Legal field. Voluntary bodies such as the **SIOPSA Psycho-Legal Interest Group** would direct you to Industrial Psychologists who could mentor you as you begin your work in the medico-legal field.
- Another voluntary body is the **South African Medico-Legal Association (SAMLA)** which would have a list of Industrial Psychologists working in the medico-legal field. You can also google and see which Industrial Psychologist is closest to where you are based.
- Organisations such as SIOPSA and SAMLA offer medico-legal training which could get you started on your journey of working within the medico-legal field.



Question and Answer : Page 5

Where in Bloemfontein can I get experience in medico-legal work?

- Voluntary bodies such as the **SIOPSA Psycho-Legal Interest Group** would direct you to Industrial Psychologists who could mentor you as you begin your work in the medico-legal field. Attempts will be made to locate someone in the Bloemfontein area.
- Another voluntary body is the **South African Medico-Legal Association (SAML)** which would have a list of Industrial Psychologists working in the medico-legal field. The medico-legal practitioners are listed by location and you can find someone in the Bloemfontein area.
- You can also google and see which Industrial Psychologist is closest to where you are based.
- The Quantum Yearbook published by Koch Consulting Actuaries would also have a list of medico-legal practitioners and some would have their location listed.



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Question and Answer : Page 6

How can we get more IOPs in the medico-legal field?

- The scope of practice for Industrial Psychologists is broad and medico-legal work is but one stream of work done by Industrial Psychologists.
- Working as an Industrial Psychologist, you have many work areas available for you to choose from.
- Having more exposure to the medico-legal field might increase the interest of Industrial Psychologists not already working within the medico-legal field.
- Some possible ways of getting Industrial Psychologists interested the medico-legal field would include:
 - Incorporating the medico-legal training as one of the options at Masters level and having more regular workshops on medico-legal work,
 - Having Industrial Psychologists working in the medico-legal field to be available to mentor and support Industrial Psychologists who might be interested in doing medico-legal work.



Question and Answer : Page 7

How do you foresee the future of medico-legal work?

- The world of work is continually evolving and the medico-legal field is not immune to these changes.
- It is important for Industrial Psychologists working in the medico-legal field to continually update their skills, remain relevant, provide objective and ethically sound work and to be open to continue contributing meaningfully to the medico-legal field.
- Any changes in legislation, a shift towards other ways of settling medico-legal matters such as mediation, the availability of funding to pay for medico-legal experts will impact the future of the medico-legal field and how the work is done.
- The role of the Industrial Psychologist in medico-legal work will probably adapt to align to these shifts. However the **primary focus of the work of an Industrial Psychologist in medico-legal work is to be an expert of the court and provide guidance to the court on the loss of income that has occurred as a result of the motor vehicle accident.**



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Question and Answer : Page 8

How do we prepare for court cases in medico-legal work?

- As in any other work, PREPARATION is key. Some of the questions you might consider asking yourself before you go to court are as follows:
 - Did I consult with the Claimant and write the report for the matter going to court? Was I involved in the matter and am I the relevant professional?
 - Did I receive a subpoena for the court case?
 - Do I know the date, time and the court I need to go to?
 - Have I gone through all the documents relating to the court case?
 - Have I prepared sufficiently? If questioned on any parts of my report- am I ready to answer?
 - Did I do a pre-trial briefing with the attorney handling the case?
 - Was there a requirement for a joint minute?
- If you have limited experience consider getting an Industrial Psychologist who has gone to court to assist you with preparing for the court case.



Question and Answer : Page 9

How is the medico-legal interview process being impacted by the shift towards virtual platforms?

- Interviewing the Claimant forms a crucial part of the medico-legal consultation and will provide the expert with valuable information that will help in formulating an opinion.
- Against the backdrop of pandemics such as COVID-19, the whole medico-legal process is being called to adapt. Court cases are currently being held virtually as everyone attempts to reduce the spread of the virus.
- At present, there is no definitive answer as to what the future will hold. Each professional has to do due diligence to ensure the safety of their clients. The expert must be satisfied that the data gathered was sufficient for purposes of formulating an objective opinion which will be used to guide the court on loss of earnings.
- The medico-legal profession will have to continue to engage and interrogate the impact of virtual platforms on the reliability and validity of consultations with claimants and to what extent these will differ from the face to face consultations.



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Question and Answer : Page 10

What is the purpose and value of an Industrial Psychologist when it comes to medico-legal reports?

- The role of the Industrial Psychologist in the medico-legal field is to be **an expert of the court and to provide guidance on the loss of income that has occurred as a result of the motor vehicle accident**. Others in the medico-legal field may term IOPs as earnings experts because IOPs assist with determining the earnings that have been lost.
- The Industrial Psychologist will be briefed by an attorney or by the Road Accident Fund to consult with a claimant who is claiming for loss of income due to a motor vehicle accident.
- The Industrial Psychologist will typically receive a batch of reports from various experts depending on the type of injury sustained e.g. occupational therapist, clinical psychologist...
- The Industrial Psychologist then consults with the claimant to get a better understanding of the claimant prior to the accident and post accident. Critical information to gather will include any work history, collection of any evidence to support the opinion being put forward, educational history, family history and interview people e.g. employer for clarity
- The report written by the Industrial Psychologist enables the actuary to calculate the loss of income that has occurred as a result of the accident.



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Question and Answer : Page 11

Does one need experience to kick-start their own medico-legal practice just after one has completed their internship and has registered as an IOP?

- Completing your IOP internship and being registered as an IOP in independent practice is the first step towards your chosen career.
- Although one might feel confident and may want to start their work in the medico-legal field, gaining some experience first will help you with: *getting started, building up a client base, learning how to write the required reports, knowing how to formulate an objective and ethical opinion and going to court when required*
- It is important to find mentoring and coaching support through the SIOPSA Psycho-Legal Interest Group and through the broad community of Industrial Psychologists working in the medico-legal field
- Also look out for medico-legal training via SIOPSA or through the South African Medico-Legal Association (SAMLA) to help build up your competencies and to network with other professionals working in the medico-legal field.



Question and Answer : Page 12

How is the medico-legal interview process being impacted by the shift towards virtual platforms?

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Question and Answer : Page 13

What is the impact of injuries on employability?

- When the Industrial Psychologist is briefed, they will typically be provided with medical expert opinions which explain the type of injuries sustained and the impact on the claimant's future employability
- Interviewing the Claimant forms a crucial part of the medico-legal consultation and will provide the expert valuable information that will help in formulating an opinion e.g. understanding how the injuries have affected their lives and their ability to work.
- The industrial Psychologist needs to obtain collateral from the employer , any earnings data e.g. payslips, IRP5s to determine to what extent the earning capacity of the claimant has been affected as a result of the accident.
- The Industrial Psychologist must do thorough research to determine the career trajectory of the claimant and review this against the injuries sustained. Check for any limitations that the claimant may suffer as a result of the injuries.
- The court is relying on the IOP to provide guidance so do due diligence in your report.



Question and Answer : Page 14

Given the fact that there are prescribed fees for preparing medico-legal reports, what is the reasonable range? How is it determined?

- The Road Accident Fund has prescribed tariffs that experts working in the medico-legal field need to charge. These rates are typically reviewed annually.
- Due to the complexity of some of the medico-legal matters, the cost for a report may vary based on the actual work done e.g. writing a supplementary report, writing joint minutes, court appearance etc.
- When briefed by plaintiff attorneys, the rates for the report would vary and this is dependent on the type of work done.
- The Industrial Psychologist working in the medico-legal field is registered with the Health Professions Council of South Africa (HPCSA) where strict adherence to the ethical guidelines is required. Undesirable business practices are not permitted.
- In determining your pricing model for medico-legal reports, consider the following: are you charging for work actually done, can you justify the tariff you are charging. Also negotiate a rate that is fair for you and your client. be competitive and remain ethical.



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Question and Answer : Page 15

How do you make your report more user friendly for the user when it comes to the earnings section as well as give it that edge that nobody thought of?

- Knowing your audience is the first step in writing a good report. In concluding your report check that your report is easy to understand, is written professionally – check for layout, grammar, flow of the information and concise and succinct opinion put forward.
- In specific reference to the earnings section the aim is to help the reader understand how you determined the loss of income-. Consider the following:
 - What was the earnings history prior to the accident?
 - What were the jobs held and list chronologically
 - State the amount earned and insert dates so that you can compare using the correct timeline
 - State any benefits received e.g. bonus, allowances, significant jump in earnings due to promotions
- Refer for example to the Munro Forensic Actuaries Earnings Assistant to get an example of sections you could incorporate in the earnings section of your report



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Closing Remarks

Further Questions and Contact Details

- The questions and answers will continue to be populated to enable the Psycho-Legal community to have additional resources to reference
- Link to the recording of the webinar with the panel discussion
 - <https://www.youtube.com/watch?v=tYbJdaUEuyw>
- For additional questions relating to SIOPSA Psycho-Legal matters and any requests or ideas for future events please direct these to the SIOPSA Chair for the Psycho- Legal Interest Group:
 - Dr Sharon Munyaka: sharon@smunyakainc.co.za