

HODGE JONES & ALLEN SOLICITORS

Client Factsheet: Recording Your Medical Expert Examination

Can I record my examination?

Yes - but only in the right circumstances. Courts accept that recordings can help ensure fairness, especially where there is a risk of misunderstanding, bias, or inaccurate reporting. However, courts expect the process to be fair, transparent and properly managed.

What type of recording is acceptable?

Overt recording (open and agreed) is the preferred and safest option. Covert recording is not prohibited but only accepted in exceptional circumstances.

When might recording be appropriate?

Recording may be helpful if the case is complex or high-value, your symptoms or history are important, or you are vulnerable due to language, trauma or learning difficulties.

What are the risks of recording?

Recordings may need to be disclosed, costs can increase, and improper recording may weaken your case.

What should you not do?

Do not record secretly unless absolutely necessary. Do not assume recordings are private. Do not record only the defendant's expert. Do not record without notice.

What should you do if you want to record?

Tell us early. We will notify the defendant and the expert, manage refusals, and explain costs and disclosure implications.