

**SAMLA-UCT SERIES OF PRACTICAL TRAINING WORKSHOPS IN**  
**MEDICO-LEGAL PRACTICE**

**1) LEARNING OUTCOME STATEMENT - WORKSHOP 3 - RAF 4 ASSESSMENT AND**  
**RECOMMENDATIONS (1 JUNE, 13 JULY & 17 AUGUST 2019)**

a) The goals of the workshop are : -

i) For medico-legal practitioners to gain an understanding of : -

- (1) The relevant legislative framework providing for assessment of injuries as serious or non-serious for purposes of compensation for general damages.
- (2) The ethical role of medical practitioners in writing serious injury reports as specified in the legislation, including the absence of any differentiation between general practitioners and specialists.
- (3) The ethical role of other health practitioners, for which no provision for writing serious injury reports is made in the legislation.
- (4) The ethical role and responsibilities of the Registrar of the HPCSA.
- (5) The ethical role and responsibilities of Appeal Tribunals.
- (6) Problems in the application of the serious injury assessment legislation.

ii) To train medico-legal practitioners to : -

- (1) Write RAF4 serious injury reports.
- (2) Evaluate RAF4 serious injury reports written by others.
- (3) Evaluate Appeal Tribunal findings and reasons.

iii) To formulate recommendations to the Registrar of the HPCSA, the Hon Minister of Transport, the Hon Minister of Health and the Law Reform Commission,.

b) The training will be relevant to : -

- i) Medical practitioners (general practitioners and specialists) who write, or wish to write, RAF4 serious injury reports, but who do not wish to write medicolegal reports or appear in Court as expert witnesses.
- ii) Expert witnesses, including medical specialists, occupational therapists, speech therapists, clinical psychologists, neuropsychologists, educational psychologists and industrial psychologists.
- iii) Attorneys, advocates and judges.

## **2) FRAMEWORK AND METHOD OF TRAINING - WORKSHOP 3 - RAF 4 ASSESSMENT AND RECOMMENDATIONS (1 JUNE, 13 JULY & 17 AUGUST 2019)**

- a) The training will consist of 2 full days for essential knowledge acquisition, intervening periods during which assignments are to be completed in syndicates, and a concluding day for feedback, discussion, debate and formulation of recommendations.
- b) Lectures will be presented by Prof. Magda Slabbert (Professor of Law UNISA); Ms. Irana Singh (Defendant Attorney); Ms. Leigh de Souza (Plaintiff Attorney); Dr. Herman Edeling (Neurosurgeon); Dr. Hans Enslin (Orthopaedic Surgeon); Dr Gavin Fredericks (GP – RAF4 Practitioner); Mr Trevor Reynolds (Clinical/Neuro Psychologist); Ms Pip Jackson (Physiotherapist) – Prof Kapil Satyapal (Prof of Clinical Anatomy UKZN & HPCSA); Mr Jimmy Kyriacou (Philosophy/Jurisprudence Lecturer).

c) In addition to lectures the training will include interactive discussions, presentation of case reports, presentation of appeal tribunal minutes, presentation of review applications, an assignment to demonstrate understanding of the core learning objectives, as well as an assignment to write an RAF4 serious injury report. The assignments will be evaluated and discussed against simple but relevant grading rubrics, with the further opportunity of commenting on the usefulness thereof for one's particular discipline.

d) The training will refer to the following publications inter alia : -

- i) The Road Accident Fund Act 56 of 1996.
- ii) Road Accident Fund Amendment Act 19 of 2005.
- iii) Road Accident Fund Regulations, 2008. GG 31249.
- iv) AMA Guides to the Evaluation of Permanent Impairment, 6<sup>th</sup> Edition.
- v) The Road Accident Fund and Serious Injuries: the Narrative Test – M Slabbert, HJ Edeling – PER 2012 VOLUME 15 No 2.
- vi) Road Accident Fund Amendment Regulations, 2013. GG 36452 (List of Non-Serious Injuries).
- vii) HPCSA Serious Injury Narrative Test guideline - HJ Edeling, NB Mabuya, P Engelbrecht, KD Rosman, DA Birrell – SAMJ 2013;103(10):763-766.
- viii) Serious Injury Claims Rejected By The Road Accident Fund: The Appeal Process – M Slabbert, HJ Edeling – OBITER 2016;Volume 37 Issue 1.