

## Referrals to The Medical Foundation Medico Legal Report (MLR) Service

### **For all referrals for Medico-legal Reports**

for our centres in London, Birmingham, Glasgow, Manchester and Newcastle  
please email [MLRreferrals@freedomfromtorture.org](mailto:MLRreferrals@freedomfromtorture.org)

Our current completed referral form must be used, with full documentation attached. It is to be found on the Freedom from Torture website:

<http://www.freedomfromtorture.org/make-a-referral/5175>

The referral form makes clear what documentation is needed before an MLR referral will be considered at one of our twice weekly multi-disciplinary MLR Panel meetings. The aim of the form is to assist us to more quickly process MLR referrals by identifying for you the specific information we need in order to consider an MLR referral. A case cannot be considered without full instruction using the form. The one exception to this is instruction for a follow up clinical response letter. This requires only a copy of the decision to be responded to relating to our prior MLR evidence.

As a reminder, our **remit** is limited to those who have suffered torture or group violence. Please check that your client falls within our remit before referring to us:

*Freedom from Torture's remit is to provide services to persons who have been tortured, where that term means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. This may include torture committed by a member of a defined group with a common political, ideological or religious purpose or ethnic identity and exercising effective power.*

### **Commentary**

1. *The Remit is based on the text of Article 1 of the UN Convention Against Torture with a clarification to make explicit for referrers that Freedom from Torture's services are available to some survivors of torture by non-state actors. This clarification is in keeping with the UN Committee Against Torture's interpretation of the torture definition in Article 1 of UNCAT (see the Committee's General Comment 2).*

2. *It is recognised that the nature of torture is being refined continuously through judicial and other interpretation and Freedom from Torture will consider the definition of torture for the purposes of its Remit as it evolves.*
3. *We endeavour to refer victims of domestic violence, female genital mutilation and trafficking to specialist organisations as appropriate.*
4. *It is not within our Remit to consider violence perpetrated by groups in pursuit of purely criminal gain.*
5. *The Remit may also include those who have been traumatised by observing torture or related violence on others close to them in relationship or proximity, particularly at a young age. We recognise that a person's chronological age may be different from their mental age and this will be taken into consideration during the intake process.*
6. *The Remit covers both the Medico-Legal Report Service and clinical treatment services and is to be used for all clients, adults, young people, children and families.*

When we consider accepting a referral, there are **other criteria** we use as well as remit. For example, we also ascertain if there is **something** we can **usefully document** whether physically or psychologically. This is significant as certain methods of torture do not leave marks, often by design. An individual can also be particularly psychologically resilient. In this context it is important to note that absence of evidence of torture does not mean that torture has not occurred. Finally, we have **other considerations which go to targeting our limited specialist resources most effectively**. Consequently, we may decline a referral if your client's injuries have already been documented and the Foundation has nothing further to add, or, for example, where we cannot match the client's testimony to the injury, where torture or serious harm is not at issue, where there is a nationality dispute, and where we deem another agency would be able to provide a more appropriate service due to geographical location, particular expertise, a pre-existing relationship, or temporary lack of resource in a particular field.

**Range of MLR decisions:**

- a. Proceed to **Medico-legal Report from doctor**, including psychiatrist, also clinical psychologist.
- b. **Psychological Therapy Report**-a report from a treating Freedom from Torture clinician.
- c. **Supplementary Report**-update by original MLR writer.
- d. **Addendum Report**-additional to MLR by another specialist.
- e. **Clinical Letter** from a treating clinician instead/as well as full MLR.
- f. **Clinical Response Letter** (previously known as a rebuttal) - This is a document we produce as a follow up to issuing an MLR, where there has been an adverse decision. It clarifies the issues raised by our clinical evidence. These are generally written by our Head of Doctors with input from the original MLR writer.
- g. **Pending** – where there is insufficient evidence to make a decision, the matter is held over pending receipt of the requisite information.

- h. **Referral not accepted** – where all criteria are not satisfied. This can include signposting or recommending another form of appropriate action.

## **MLR Fees**

Medico-legal reports from the Medical Foundation Medico-legal Reports Service at Freedom from Torture are expert reports on the evidence and both physical and psychological impacts of torture, prepared following specialist in house training and continuing professional development according to the standards set out in the [Istanbul Protocol](#), UN Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading treatment or Punishment.

Our expertise is recognised in the [UKVI Asylum Policy Instruction on Medical Reports from the Foundations](#)

Following on from this the [Legal Aid Agency in their Escape Cases Handbook](#) authorises pre-decision reports from us ( 4.7) and confirms in their [CW3 checklist](#) that where funding is sought for a report from us it is not necessary to obtain alternative quotations.

Our reports, listed below, are charged based on the number of hours spent by the doctor or clinician reading relevant documents - with the stage in the asylum process used as a guideline - examining the individual and preparing the full report.

- **Medico-legal report – Medical** – fresh claim, pre-decision and post-decision
- **Medico-legal report – Psychological Therapy** – fresh claim, pre-decision and post-decision
- **Clinical letter**
- **Addendum report** (to include clinical response letter, supplementary report, updated medical report)

**We are able to provide individual quotes, when a referral is accepted, based on hourly rates as per the recent changes of policy and practice by the Legal Aid Agency (LAA).**