



Comhairle na nDochtúirí Leighis Medical Council

Fitness to Practise Committee - Remote Hearings

Information Booklet for Observers (members of the public/media)

1. Introduction

- 1.1. The Medical Council (the "**Council**") is a statutory body established pursuant to Part II of the Medical Practitioners Act 1978 and continued in being by Section 4(1) of the Medical Practitioners Act 2007 (the "**Act**") as amended by Section 12 of the Health (Miscellaneous Provisions) Act 2007. The Council is responsible for regulating registered medical practitioners ("**Registrants**") in the Republic of Ireland. It has a statutory role in protecting the public by promoting the highest professional standards and good medical practice amongst doctors practising in the Republic of Ireland.
- 1.2. The Council has established a Committee, known as the Preliminary Proceedings Committee (the "**PPC**") to give initial consideration to complaints in respect of registered medical practitioners. Where the PPC is of the opinion that there is sufficient cause to warrant further action being taken in relation to a complaint it will be referred to a Committee known as the Fitness to Practise Committee ("**FTPC**") for a hearing (the "**Hearing**")

2. The purpose of this document

- 2.1. The Council has made arrangements for remote hearings ("**Remote Hearings**") to take place before the FTPC, in accordance with the provisions of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020. In this regard, please note that the Medical Council is a designated body for the purposes of sections 29 and 31 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020.
- 2.2. This document provides information on how Remote Hearings before the FTPC will operate. This document should be read in conjunction with existing guidance on the Council's website regarding the Council's complaints and fitness to practise processes.
- 2.3. It may be necessary to revise this document from time to time, as circumstances change.

3. Remote Hearings

- 3.1. A Remote Hearing is one in which the participants (the members of the Committee, legal representatives, witnesses, stenographer etc.) do not gather physically at the same location.
- 3.2. It should be noted, however, that while participants to a Remote Hearing are not physically based at the same location, there is nothing to prevent certain participants from logging into the Remote Hearing from the same physical location (eg the Registrant and his/her legal advisors), if this is so desired.

3.3. A Remote Hearing therefore takes place by way of video conferencing facility or a virtual remote hearings platform. This video conferencing facility or virtual remote hearing platform allows the participants to see and hear each other, present evidence, be cross-examined and view documents.

3.4. A Remote Hearing is to be treated in the same manner as a physical hearing and both participants and members of the public/observers/media ("**Observers**") are asked to conduct themselves as they would in a physical Hearing.

3.5. Every Remote Hearing will be planned and conducted in a manner designed to safeguard the right to a fair hearing.

4. Notification of Remote Hearings being held in public

4.1. Notification that a Remote Hearing is due to take place in public will be placed on the Council's website (www.medicalcouncil.ie) in advance of the date on which the Remote Hearing is due to commence. No names or details of the parties will be published in this notification. Details of the parties involved in a public Remote Hearing will be released on the day of the Remote Hearing to those Observers in attendance.

4.2. Observers, such as members of the public and media, can contact the Council to obtain details on how to access the Remote Hearing.

5. Who can attend a Remote Hearing?

5.1. The participants to a Remote Hearing are the FTPC members, the Legal Assessor to the FTPC, the CEO's legal team and the Registrant/their legal team. It is open to the CEO's legal team and to the Registrant/their legal team to call witnesses to give evidence at the Remote Hearing. A stenographer/logger will also be present for the Remote Hearing.

5.2. Observers may only attend a Remote Hearing or part thereof that is being held in public, on prior notification to the Medical Council. Where a Remote Hearing, or part thereof, is being held otherwise than in public, access will be restricted to the parties involved in the Remote Hearing only.

5.3. Following a request being made to the Council to attend a Remote Hearing that is scheduled to proceed in public, Observers will be invited to join the Remote Hearing by way of an email containing the details of how to register with the remote platform. Please see paragraph 6 below for more details. These details should not be shared with any third party.

5.4. Please note that Observers will not be able to participate/speak during the Remote Hearing. Please also note that Observers will not be visible to those participating in the Remote Hearing. However, your name will appear in the participant list which is visible to those attending the Remote Hearing.

6. Attending a Remote Hearing

6.1 What equipment do I need to access the Hearing?

6.1.1 You will need a device (for example, a laptop or tablet) with an internet/WIFI connection. You will need an internet browser such as Google Chrome 8 or higher on

your laptop or tablet and if you are using an iPad you will need Safari. The baseline minimum hardware requirements are:

2.0-Ghz dual-core Intel Core i5 or later

Free disk space of 1GB or more

4 GB of RAM free physical 2GB+

6.1.2 The network bandwidth requirements for video quality are:

High - 1280 kbps (HD)

Med - 768 kbps (SD)

Low - 384 kbps (SD)

6.2 How do I get set up with the Platform?

6.2.1 The Council will arrange to provide the Remote Hearing platform with your details in order to register you. You will then be provided with a User Guide. This User Guide will show you how to register with the Remote Hearing platform and how to set up your username and password.

7. When attending the Remote Hearing

7.1. Please log into the Remote Hearing platform at least fifteen minutes in advance of the scheduled Hearing time to ensure you have no difficulties accessing the platform. If issues are encountered, please refer to point 13 below. When you log onto the Remote Hearing platform you will see a notification indicating when the Hearing is due to start.

7.2. In the event of an adjournment for lunch, Observers are asked to access the Remote Hearing at least fifteen minutes in advance of the scheduled resumption time, using the same login method as used to access the Remote Hearing earlier.

7.3. The co-operation and patience of all parties is necessary for the smooth running of the Remote Hearing.

8. Applications to hold Remote Hearings "otherwise than in public"

8.1. The default position under the Medical Practitioners Act 2007, as amended, is that Hearings are held in public. However, it is open to the Registrant or a witness to apply to the FTPC for all or part of the Hearing to proceed otherwise than in public. If a Remote Hearing is being held otherwise than in public, it means that Observers may not attend the Hearing.

8.2. The representative from Professional Standards will confirm that only the parties to the Remote Hearing are present for the hearing of any such applications to hold Remote Hearings "otherwise than in public". In this regard, the representative from Professional Standards will ask the platform moderator to remove the Observers for the part of the Hearing being held otherwise than in public.

8.3. If the ruling of the FTPC is that all or part of the Remote Hearing should proceed otherwise than in public, access permissions for Observers will be immediately withdrawn for the part of the Hearing that is proceeding otherwise than in public.

- 8.4. If the ruling of the FTPC is that the Remote Hearing should proceed in public, the representative from Professional Standards will notify the Platform moderator that Observers are permitted to rejoin the Hearing and a communication to this effect will also be made by Professional Standards to Observers by email/text message.

9. Data Protection and Confidentiality

- 9.1. Permissions for accessing the Remote Hearing will be controlled by the Council staff. Connection details should not be forwarded to any party and shall only be provided directly by the platform moderator to the Observer.
- 9.2. You will be asked to give your contact details to the Council and to the Remote Hearing platform when you register. This is to allow the Council or the platform moderator to contact you if there are/you experience any unforeseen technical issues on the day. You will also have a point of contact with both the Council and the platform moderator, in the event that problems arise. If this occurs, notify your point of contact immediately (see below for details) and your issue will be rectified as soon as possible.
- 9.3. **Please note:** the following personal data will be captured by the Remote Hearing platform and the Council, respectively when you request access, register and log-on to the Remote Hearings:
- The Council will receive the following details: name, email address, and telephone number (to facilitate access to the Remote Hearing platform and for trouble-shooting purposes); and
 - The Remote Hearing platform will receive the following details: name, email address, and telephone number (where requested for trouble-shooting purposes and/or where you dial into the Remote Hearing by phone) and will hold this data for as long as you remain registered with the Remote Hearing platform. The Remote Hearing platform will also collect the following data: IP address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access the Remote Hearing platform, usage data and cookies.

10. Recording of the Remote Hearing

- 10.1 A stenographer/logger will record the Remote Hearing from a remote off-site location. The stenographer's transcript will be the official and only record of the Remote Hearing
- 10.2 **Please note:** save for any recording the Stenographer/logger may make, the recording, re-broadcasting or streaming of a Remote Hearing is strictly prohibited. This prohibition extends to making any video, audio, or other recording or image whatsoever, of any part of the Remote Hearing, including a photograph, "screenshot" or "screengrab" and all like or related mechanisms. This prohibition will be reiterated by the Chair of the FTPC at the outset of the Remote Hearing.
- 10.3 If the Chair has reason to suspect that anybody is failing to comply with this requirement, the Chair may seek advice from the Legal Assessor and/or may decide to adjourn the Remote Hearing and request the individual to be removed from the Remote Hearing.

11. Remote Hearing Documents

- 11.1. Access to documents at the Remote Hearing will be restricted to those who are permitted to view them ordinarily at a physical Hearing. Observers are not permitted to access, view or upload documents. If for some reason it is the case that documents are available to view in error Observers are required to immediately notify the Administrator or a member of the Professional Standards staff of such.

12. Closure of the Remote Hearing

- 12.1. The Chair will announce the formal closure of the Hearing and provide the scheduled date and time for the next Hearing day (if applicable).
- 12.2. The Remote Hearing will thereafter be terminated.
- 12.3. Everybody attending, including Observers, are asked to ensure that they have successfully logged out of the Remote Hearing platform.

13. Points of contact

In advance of the Remote Hearing, you will be given designated points of contact as follows:

Software Provider Support – TrialView Representative/platform moderator

Contact: support@trialview.com in relation to the following:-

- signal and connectivity issues;
- sound/audio/visual;
- software use and functionality;
- access and log-ons.

Meeting Host – Medical Council Representative

Contact: john.sidebottom@mcirl.ie in relation to the following:-

- permissions – who can or cannot attend the Remote Hearing.
- start/end timings - opening and closing sessions of the Remote Hearing.

14. Who should I contact if I have any more questions?

Please email john.sidebottom@mcirl.ie should you have any further general questions.