



Comhairle na nDochtúirí Leighis Medical Council

Fitness to Practise Committee - Remote Hearings

Information Booklet for Registrants

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 (e.g. you and your 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. The default position under the Act is that Hearings shall be held in public except in certain circumstances. A witness and/or the Registrant are entitled to make an application to the FTPC for all or part of the Hearing to be held otherwise than in public. The FTPC will determine whether the application shows "reasonable and sufficient cause" and whether the FTPC is satisfied that it is appropriate in the circumstances to hold all or part of the Hearing otherwise than in public.
- 4.2. If the Remote Hearing in respect of you is to proceed in public, notification of this will be placed on the Council's website in advance of the date on which the Remote Hearing is due to commence and members of the public and media may attend. However, 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.
- 4.3. 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 you/your legal team. It is open to the CEO's legal team and to

you/your 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. If the FTPC decides, at any stage before or during the Remote Hearing that all or part of the Hearing should proceed otherwise than in public, access permissions for Observers will be immediately withdrawn for the part of Hearing that is proceeding otherwise than in public. If this arises the Professional Standards representative will ask the platform moderator to remove the Observer(s) for the part of the Hearing being held otherwise than in public. Once the Observer(s) have been removed, the Professional Standards representative will communicate to the FTPC that the Remote Hearing is in a position to proceed.
- 5.4. 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.

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. You will also be provided with a User Guide, as set out above, which will show you how to register with the Remote Hearing platform and how to set up your username and password.
- 6.2.2 Once you register with the Remote Hearing platform you will be asked to send an email to them to confirm your registration. The platform's moderator will then contact you to arrange a suitable time to check the following in advance of the Remote hearing:
That: -
- you can log onto TrialView;
 - you can view video and hear audio;
 - your internet connection is stable and of an adequate strength;
 - you know how to leave and re-join the hearing, if requested.

7. When attending the Remote Hearing

- 7.1. Registrants should select a quiet, private and secure location for attending the Remote Hearing, where it can be ensured that there will be no disruptions or interruptions, and best efforts should be made to eliminate background noise. This is to ensure and protect the integrity of the Remote Hearing.
- 7.2. You should also ensure that, while accessing the Remote Hearing:-
- all visual or voice enabled devices (e.g. Amazon Alexa and google speakers) are turned off;
 - you have access to a device and sufficient Wi-Fi;
 - your chosen device is sufficiently charged and that power cables are available.
 - your camera is on and microphone muted unless giving evidence/addressing the FTPC.
- 7.3. Please log into the Remote Hearing platform at least fifteen minutes in advance of the scheduled hearing time to allow for the platform moderator to carry out any necessary technical checks and assist with connecting you to the Remote Hearing.
- 7.4. The platform moderator will assist the Professional Standards representative in managing the Remote Hearing. This will include assistance in admitting the parties, witnesses and other participants to the Hearing.
- 7.5. When you log onto the Remote Hearing platform you will have the option of entering your private team room to facilitate discussions with your legal representatives (if any). When the Hearing is ready to begin, you will be asked to move to the virtual hearing room in which the Remote Hearing is taking place (the “**Hearing Room**”).
- 7.6. Your camera will be off and your microphone will automatically be “muted” on entering the Hearing Room. We would ask that you turn your camera on but leave your microphone

muted unless you wish to address the Chair of the FTPC, examine/cross-examine a witness or are planning to give evidence. You can unmute your microphone by clicking the microphone icon on your screen.

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

8. Commencement of the Remote Hearing

- 8.1. At the outset of the Inquiry, the Professional Standards representative will ask all participants to confirm that their audio/visual functions are operational. Once this has been confirmed, they will communicate to the FTPC that the Remote Hearing is in a position to commence.
- 8.2. The Chair of the FTPC will make announcements outlining the relevant rules and procedures that all participants are expected to observe during the Remote Hearing.
- 8.3. In the event any participant encounters issues with audio and/or visual and/or departs from the Remote Hearing, the Professional Standards Representative will notify the Chair.
- 8.4. The Chair will adjourn/pause the Remote Hearing to allow the platform moderator/ Professional Standards representative to contact the party to try to resolve the issue. The session may need to be stopped and restarted.
- 8.5. In the event that the issue cannot be immediately resolved, it is open to the FTPC to invite submissions from the CEO's legal team and the Registrant/their legal team and to seek legal advice from the Legal Assessor before deciding how to proceed.

9. Adjournments/Lunch Break

- 9.1. Registrants and/or their legal team will have access to a private team room. At any point throughout the Remote Hearing, the parties may apply for an adjournment of the Hearing to enter a virtual private break-out room for the purposes of receiving instructions and/or having private discussions. It will be a matter for the FTPC to determine any such application for an adjournment.
- 9.2. In the event the Remote Hearing is adjourned and/or breaks for lunch, the same process as above will be followed. Registrants are asked to access the Remote Hearing/private team room at least fifteen minutes in advance of the scheduled resumption time, using the same login method as used to access the Remote Hearing earlier.

10. Entry/Exit of Parties from Remote Hearing

- 10.1. The Professional Standards Representative will monitor the entry/exit of participants to the Remote Hearing.

10.2. Where practicable, the Professional Standards representative will inform the Chair of the FTPC of:

- a. the arrival of any person not present at the beginning of the Remote Hearing;
and
- b. the departure of any person from the Remote Hearing prior to its conclusion.

10.3. Members of the Council staff and Observers may leave the Remote Hearing, as necessary, without notifying the Chair.

11. Private Deliberations

11.1. In the event that the FTPC retires at any point to deliberate, in private, you may move from the Hearing Room into a private team room for the period during which the FTPC remains in private session. Once the FTPC returns to the Hearing Room, a representative from Professional Standards will notify you to return to the Hearing Room.

12. Data Protection and Confidentiality

12.1. 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 participant.

12.2. 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.

12.3. **Please note:** that 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 (where requested 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.

- 12.4. You, your legal representatives (if any) and any witnesses that you intend to call on your behalf to give evidence at the Remote Hearing, must take all necessary steps to ensure the confidentiality and security of any communications, documents or materials of a confidential or sensitive nature being transmitted electronically and will be responsible at all times for compliance with all applicable requirements of GDPR.

13. Recording of the Remote Hearing

- 13.1. 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.
- 13.2. You/your legal advisers will be provided with a copy of the said transcript of the Remote Hearing.
- 13.3. **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.
- 13.4. 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.

14. Where you are giving evidence to the FTPC

- 14.1. Oral evidence to the FTPC is given on oath or affirmation.
- 14.2. Where you intend to take an oath, you should ensure that you have the requisite religious text in your possession prior to the oath taking. This is the responsibility of the parties and the Medical Council has no responsibility in this regard for providing the relevant religious text.
- 14.3. If you are not of a religious faith and intend to affirm and attest, which is a solemn declaration to tell the truth, you will be asked to repeat the wording of the affirmation which will be read out to you by the Professional Standards representative.
- 14.4. The same applies for any witnesses you call to give evidence. This is the responsibility of the parties and the Medical Council has no responsibility in this regard for providing the relevant religious text.
- 14.5. You/any witness that you call to give evidence on your behalf must ensure that he/she will not be interrupted or distracted for the duration of giving evidence.

- 14.6. The Chair will ask any person giving evidence to the FTPC to confirm that he/she is alone in the room in which the evidence is being given.
- 14.7. The witness must have the camera and microphone on for the duration of giving evidence.

15. Documents for the Remote Hearing

- 15.1. As outlined in the Rules for the Fitness to Practise Committee and Subcommittees of the Fitness to Practise Committee, the FTPC requests that, where possible, Core Books are agreed between the CEO and the registered medical practitioner/his/her representatives at least one week in advance of a matter coming before the FTPC. The FTPC requests that agreed Core Books be uploaded to the Remote Hearing platform at least 2 working days in advance of the Remote Hearing.
- 15.2. You will be notified once the Core Book/agreed documents have been uploaded to the Platform and you will be able to review these documents on screen in advance of and during the Hearing.
- 15.3. When uploaded to the platform, you will note that the documents within the Core Book will bear a particular document identification reference/number ("Document ID"). Where possible, documents should be presented to the FTPC by reference to the last four digits of the Document ID and by reference to the internal pagination.
- 15.4. Access to the documents will be restricted to those who are permitted to view them such as the FTPC, the Legal Assessor to the FTPC, legal teams and witnesses where appropriate.
- 15.5. You will be provided with a user guide in advance of the Remote Hearing which will explain how you can view documents on the Platform.
- 15.6. The platform moderator will assist with the presentation of the documents to the Remote Hearing, as required.

16. Additional Exhibits

- 16.1. In so far as is possible, the documents for the Hearing should be agreed between the parties, in advance. This will help to ensure the smooth running of the Hearing on the day.
- 16.2. Should you wish to introduce an exhibit on the day of the Hearing that does not form part of the Core Book/agreed documents ("Exhibit"), the Exhibit must be sent to Professional Standards - john.sidebottom@mcirl.ie to be uploaded to the Platform, so that it may be presented to the FTPC.
- 16.3. All papers, including the Core Book and Exhibits, will be deleted from the Platform following the conclusion of the Inquiry or such longer reasonable period as is appropriate having

regard to any parties' requirements, to include legal or regulatory requirements which might require the Remote Hearing platform to have access to the relevant personal data.

17. Deliberation of the FTPC

- 17.1. Once all submissions have been made, the FTPC will deliberate in private.
- 17.2. The Chair will provide a rough estimate of the time at which they will reconvene.
- 17.3. The FTPC will leave the Hearing Room and join its designated virtual private breakout room.
- 17.4. The Legal Assessor will sit in on the FTPC's private meetings.
- 17.5. Once the FTPC has concluded its deliberations, the Chair / Legal Assessor will notify the Professional Standards representative / the platform moderator.
- 17.6. The FTPC will re-join the Hearing Room and the Remote Hearing will re-commence once all parties are present.

18. Closure of the Remote Hearing

- 18.1. The Chair will announce the formal closure of the hearing and provide the scheduled date and time for the next Hearing day (if applicable).
- 18.2. The Remote Hearing will thereafter be terminated.

19. 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; and
- 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.

Who should I contact if I have any more questions?

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