



Comhairle na nDochtúirí Leighis Medical Council

Fitness to Practise Committee - Remote Hearing

Information Booklet for Witnesses

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 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 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 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. 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. Remote Hearing Preparations

- 6.1. As a witness who is intended to be called to give evidence to the FTPC at the Remote Hearing, you will be:-

- Notified that the Hearing is to take place remotely and be provided with the date and time at which the Remote Hearing is to take place, and particularly the date and approximate time (where possible) at which you will be required to give evidence;
- Provided with a User Guide on how to register with the Remote Hearing platform to ensure that you have access to the Remote Hearing on the day;
- Notified of your entitlement to apply to the FTPC for all or part of the Hearing be heard otherwise than in public.

7. Attending a Remote Hearing

7.1 What equipment do I need to access the Hearing?

- 7.1.1 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

- 7.1.2 The network bandwidth requirements for video quality are:

High - 1280 kbps (HD)

Med - 768 kbps (SD)

Low - 384 kbps (SD)

7.2 How do I get set up with the Platform?

7.2.1 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.

7.2.2 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.

8. When attending the Remote Hearing

8.1. Witnesses should select a quiet, private and secure location for attending the Remote Hearing, where it can be ensured that there will have 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.

8.2. You should ensure that, while accessing the Remote Hearing:-

- you will not be interrupted or distracted for the duration of giving evidence. In this regard, you should be alone while giving evidence unless the FTPC has approved the presence of a support person.
- all visual or voice enable 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.

8.3. Please log into the Remote Hearing platform at least fifteen minutes in advance of the approximate time at which you are required to give evidence. When you log into the Remote Hearing platform you will be admitted to a waiting room. When the FTPC is ready to hear your evidence, you will be admitted to the Remote Hearing Room (the **"Hearing Room"**).

8.4. Your camera will be off and microphone will automatically be "muted" on entering the Hearing Room. You can switch your camera and microphone on, when giving evidence, by clicking the relevant icon on your screen.

8.5. In advance of the commencement of your evidence, the Professional Standards representative will ask you to confirm that your 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 continue.

- 8.6. The Chair of the FTPC will make announcements outlining the relevant procedures that all participants are expected to observe during the Remote Hearing. These are addressed in further detail below.
- 8.7. Oral evidence to the FTPC is given on oath or affirmation.
- 8.8. 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.
- 8.9. 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.
- 8.10. The co-operation and patience of all parties is necessary for the smooth running of the Remote Hearing.
- 8.11. Once you have completed your evidence, you are no longer required to remain present at the Inquiry, unless directed otherwise by the FTPC.

9. Documents for the Remote Hearing

- 9.1. If you have provided a signed statement in advance of giving your evidence to the FTPC, you will not have access to this statement while giving your evidence. In this regard, it is important that your evidence is given in your own words and from your own memory. If you are being cross examined on the content of your signed statement, you will be provided with a copy of your statement for reference.
- 9.2. If applicable, you will be provided with an encrypted soft copy of the documents/those extracts of documents in respect of which you will be giving evidence, prior to the Remote Hearing taking place.
- 9.3. These documents will also be uploaded onto the Remote Hearing platform and if required, they may be presented during the Remote Hearing while you are giving evidence. You will also be able to see the copy of the relevant document being displayed to the FTPC during the Remote Hearing at the same time as you are giving your evidence.
- 9.4. 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.
- 9.5. The platform moderator will assist with the presentation of the documents to the Remote Hearing, as required.

10. Adjournments/Lunch Break

- 10.1. In the event the Remote Hearing is adjourned and/or breaks for lunch during the course of your evidence. You will be asked to leave the Remote Hearing Room for the duration of the break and return after the break, using the same process outlined at paragraph 8 above. Witnesses are asked to access the Remote Hearing 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.

11. Private Deliberations

- 11.1. In the event that the FTPC retires at any point during the course of your evidence to deliberate, in private, you will be asked to remain in the Hearing Room for the period during which the FTPC remains in private session.

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 at 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 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 that are disclosed to you in connection with the Remote Hearing.

It is strictly prohibited to disclose or permit access by a third party to the Council's information and any personal data under the control of the Council. This does not preclude you from obtaining independent legal advice.

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. **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 and before each witness gives evidence.
- 13.3. 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.

14. 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.

Who should I contact if I have any more questions?

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