



Comhairle na nDochtúirí Leighis Medical Council

Fitness to Practise Committee - Remote Hearings

Protocol for Professional Standards

1. The purpose of this document

- 1.1. 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.
- 1.2. 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.
- 1.3. It may be necessary to revise this document from time to time, as circumstances change.

2. Remote Hearings

- 2.1. 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.
- 2.2. 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. the Registrant and his/her legal advisors), if this is so desired.
- 2.3. 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.
- 2.4. 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.
- 2.5. Every Remote Hearing will be planned and conducted in a manner designed to safeguard the right to a fair hearing.

3. Participant List

- 3.1. Professional Standards will confirm the participant list with the platform moderator at least 24 hours in advance of the Remote Hearing.

4. Platform testing

- 4.1. The representative from Professional Standards will confirm with the Remote Platform moderator that each of the parties to the Inquiry, as identified on the participant list, was contacted by the platform moderator prior to the Remote Hearing for the purposes of conducting a test on the system within the previous 48 hours and that no issue(s) arose.

5. Uploading Core Book/ Exhibits

- 5.1. As outlined in the Rules for the Fitness to Practise Committee and Subcommittees of the Fitness to Practise Committee 2020, 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 representative from Professional Standards will upload the agreed Core Book to the virtual hearing platform at least 2 working days in advance of the Inquiry.
- 5.2. Should a party 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 emailed to the representative from Professional Standards to be uploaded to the Platform, so that it may be presented to the FTPC.

6. Confirming participants in attendance/ audio / visual

- 6.1. At the outset of the Remote Hearing, the representative from Professional Standards will confirm that each of the active participants are present in the Hearing Room.
- 6.2. The representative will ask the active participants (the FTPC members, the Legal Assessor, the CEO's Counsel, the registrant/their Counsel and the stenographer) to confirm that their audio/visual functions are operational.
- 6.3. The representative will confirm the name and contact number of the platform moderator, should any person have any difficulties during the Remote Hearing.

7. Monitoring participants entry/exit during a Remote Hearing

- 7.1. The representative from Professional Standards will monitor the entry/exit of participants to the Remote Hearing.
- 7.2. Ongoing monitoring of the participation list will be the responsibility of Professional Standards, supported by the Remote Hearing platform moderator.
- 7.3. If an individual who is not identified on the participant list seeks to access the Remote Hearing, the Remote Hearing platform moderator must first contact the representative from Professional Standards to obtain authorisation for that participant to join the Remote Hearing.
- 7.4. Permissions will only be granted by the Remote Hearing platform moderator for an individual to access the Remote Hearing once such access has been authorised by Professional Standards.
- 7.5. Where practicable, the representative from Professional Standards 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.
- 7.6. Members of the Council staff and Observers may leave the Remote Hearing, as necessary, without notifying the Chair.

8. Loss of audio and/or visual and/or disconnecting

- 8.1. In the event any participant loses audio and/or visual and/or departs from the Remote Hearing, the Professional Standards representative will notify the Chair.
- 8.2. The Chair will adjourn/pause the Remote Hearing to allow the platform moderator/Professional Standards representative to contact the party to try resolve the issue. The session may need to be stopped and restarted.
- 8.3. 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. Private Session

- 9.1. In the event that the FTPC goes into private session for the purposes of deliberating, parties may move from the Hearing Room into a private, virtual, break-out room for the period during which the FTPC remains in private session.
- 9.2. The representative from Professional Standards will inform the parties to move to the private rooms and will notify the parties when to return to the Hearing Room.
- 9.3. The representative will monitor the Remote Hearing and ensure that all the necessary participants are present before the Remote Hearing resumes.

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

- 10.1. The default position under the Medical Practitioners Act 2007, as amended, is that Hearings are held in public. However, it is open to the registered medical practitioner 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.
- 10.2. 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 will ask the Remote Platform moderator to remove the Observers. Once the Observers have been removed, the Professional Standards representative will communicate to the FTPC that the application is in a position to proceed.
- 10.3. 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.
- 10.4. 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.

11. Removal of data from the Remote Hearing platform

- 11.1 Following the completion of a Remote Hearing or, if applicable, a confirmation hearing, a representative from Professional Standards will contact the Remote Hearing platform to remove the case site from the platform.
- 11.2 The Remote Hearing platform will transfer any data, such as Core Books and Exhibits that have been uploaded on to the platform for the purposes of the Remote Hearing, back to the Council.
- 11.3 Once the data has been transferred back to the Council, the Remote Hearing platform will remove the case site from the platform. The Remote Hearing platform will confirm in writing to Professional Standards that the case site has been removed from the platform.