Hearings Protocol

Introduction

1. The overarching objective of fitness to practise proceedings, and hearings before the General Chiropractic Council's (GCC) Professional Conduct Committee (PCC) or Health Committee, is the protection of the public. We uphold this overarching objective by investigating and adjudicating concerns, and imposing a sanction where necessary, within a reasonable timeframe.

2. It is vital that delays in proceedings are minimised as they can adversely affect our overarching objective and can have a detrimental effect on all parties to a complaint. It is unfair and can be distressing to registrants, complainants and witnesses if long delays occur.

3. This protocol sets out the factors to be considered when deciding the format of substantive hearings before the GCC's Professional Conduct Committee or Health Committee ('the Committee'). The format can be a 'physical hearing', a 'remote hearing', or a 'hybrid' hearing.

4. This protocol is designed to assist all hearing attendees including PCC and Health Committee members, case parties, legal representatives, the legal assessor, witnesses and hearing staff of the GCC. It applies to applications for and reviews of interim orders, substantive hearings, registration appeals, restorations and hearings on the papers and case management hearings.

5. Interim Suspension Hearings will be, by default, listed remotely due to the public interest in these hearings taking place as soon as possible. Any representations from the parties involved in an Interim Suspension Hearing that the hearing should be listed as a hybrid hearing or physical hearing will be considered by the GCC.

6. This protocol should be applied in accordance with the fair administration of justice.

Overarching considerations

7. The overarching objective of the GCC is:

    - to protect the health, safety and well-being of the public;
    - to maintain public confidence in the profession of chiropractic; and
    - to maintain proper professional standards and conduct for members of the chiropractic profession.

8. When considering which is the most appropriate format for a hearing, the GCC will assess how fairness and justice can be achieved, balancing both the Registrant's interest and the wider public interest in line with the GCC's overarching objectives. The GCC will also consider factors including:

    - Does the nature or complexity of the hearing, including factors such as its length, the number of witnesses, the charges involved, the volume of papers/ size of the bundle to be considered by the panel and any physical evidence, indicate that one format may be more appropriate than another?
    - Can fairness and justice be achieved?
    - Are there sufficient safeguards to ensure the integrity of the process and that breaches of privacy can be avoided?
    - Can the rights of those with protected characteristics under the terms of the Equality Act 2010 be adequately provided for, including whether reasonable adjustments can be made for participants with disabilities?

9. Guidance on how to use the video conferencing platform is provided to hearing parties directly.

Our approach

10. The GCC's hearings team consider the appropriate hearing format for each case. The team carefully considers the individual features and circumstances of each case. The parties to the case will be consulted about the intended format.

11. The GCC's consideration will include, but is not limited to, the following factors:

    11.1. Whether the registrant and other participants can successfully access the appropriate technology in an environment which to enable them to take part effectively in a remote hearing and be able to take advice.

    11.2. Whether there might be a risk of a breach of privacy that can be more easily managed at a physical hearing.

    11.3. Any features of the case which make it particularly difficult for it to be held remotely: for example, difficulties in presenting evidence which cannot be accommodated at a remote hearing.

    11.4. Whether special measures or reasonable adjustments are necessary for any participant to engage fully and effectively in the proceedings, which cannot be accommodated remotely.

    11.5. Evidence suggesting that the integrity or fairness or smooth running of the hearing may be compromised by a remote hearing.

    11.6. The health and well-being of participants: this may dictate the necessity of a particular hearing format - ie. remote or hybrid hearing where the

health of a participant(s) makes it difficult for us to hold a physical hearing or physical hearing where the health of a participant may be negatively affected by long remote hearings.

11.7. Any other matters that may affect the smooth running of the hearing.

12. Aside from 11.1, the GCC does not consider that any single factor above has, of itself, any greater weight than the others. Different conditions will apply in individual cases and will need to be considered accordingly.

13. While the Professional Conduct Committee (Procedure) Rules 2000 are silent as to whether hearings can be held remotely, they do not specifically prohibit remote hearings. As such, the registrant's consent is not required for hearings to be managed in this way.

14. However, the GCC's preference is to proceed having considered all views. Where there is disagreement as to the hearing format, the format will be considered at a preliminary hearing of the Committee at which parties can raise their views.

15. Decisions taken to proceed by any format will be kept under review throughout the process. Parties must swiftly notify the GCC of any relevant changes to their circumstances.

16. For cases identified as being suitable for remote or hybrid hearings, there are specific risks and processes that need to be managed carefully when dealing with evidence given via video conferencing. In view of this, there is separate guidance (Practical Arrangements for Remote Hearings) which sets out the practical arrangements for parties when taking part in remote or hybrid hearings.

General Chiropractic Council

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