

## Remote hearings Standard Operating Procedure (“SOP”)

Hearing: Fitness to Practise Adjudication  
Author: Peter Hutchinson  
Approved by: Mark Neale  
Effective Date: 14 May 2020

### 1.0 Purpose

This SOP sets out the steps required to participate in a priority Statutory Committee hearing on a remote basis and sets out relevant considerations to bear in mind. This SOP is not intended to be an exhaustive description of each of the steps that are followed in a hearing. Instead, its purpose is to identify the particular steps that arise when hearings are convened remotely. It is written to ensure continuity of the Pharmaceutical Society NI’s statutory responsibilities to hold hearings in response to the Government’s Covid-19 measures. It should be considered in line with the statement released by the Pharmaceutical Society NI on 31 March 2020 which outlined the approach to Fitness to Practise during the Covid-19 pandemic.<sup>1</sup>

These procedures, which have been prepared in conjunction with the Chair of the Statutory Committee, are intended for guidance only and do not constitute a direction to any panel of the Statutory Committee to take a particular course of action when hearing cases. These procedures are instead intended to offer practical help and guidance to participants in hearings that are being held remotely. These procedures do not supersede the statutory Regulations setting out the procedure for hearings before the Statutory Committee which continue to apply.<sup>2</sup>

### 2.0 Scope

This SOP applies to:

- Statutory Committee members
- Clinical Advisers
- Case presenters, both for Pharmaceutical Society NI and registrant
- Registrant attendees
- Registrar and/or representatives from the Pharmaceutical Society NI

---

<sup>1</sup> <https://www.psn.org.uk/wp-content/uploads/2020/03/Our-approach-to-FtP-during-the-Covid-19-Pandemic-30.03.20.pdf>

<sup>2</sup> These Regulations are contained in [The Council of the Pharmaceutical Society of Northern Ireland \(Fitness to Practise and Disqualification\) Regulations \(NI\) 2012 \(2012 No. 311\)](#).

- Secretary to the Statutory Committee
- Witnesses
- Members of the Public
- Stenographer

### **3.0 Preparation for the Hearing**

#### **3.1 Equipment and Relevant Documentation Required**

- Laptop or desktop computer, or smartphone, or tablet, with integrated or external webcam and integrated or external microphone;
- Internet connection > 3Mbps (internet speed can be checked by typing 'speed test' into Google);
- Zoom Software (a link, meeting ID and password is sent to internal and external participants by the Secretary to the Statutory Committee which allows participation); and
- Audio headset with microphone (optional, to allow for the elimination of any background noise).

#### **3.2 Participant environment**

Participants should ensure that:

- the electronic device from which they will be participating in the hearing is fully charged and in good working order;
- they are in a well-lit and quiet room where distractions are kept to a minimum;
- they are alone in the room from which they are participating. This is particularly important for interim order hearings, reviews and parts of substantive review hearings held in private;
- they have a glass of water to hand and that they are dressed appropriately taking into account the nature of the hearing; and
- no personal items are in shot, for instance, family photographs.

### 3.3 Setting up the hearing

The Secretary to the Statutory Committee will set up the hearing using Zoom software.

In private hearings, the Chair should agree who will be in attendance at the hearing with the Secretary to the Statutory Committee prior the Zoom invitations being sent out.

## 4.0 The Hearing

### 4.1 Joining the hearing

The Secretary to the Statutory Committee will email a Zoom meeting invitation to all participants in the hearing. The invitation will usually be sent a day in advance of the hearing.

The invitation will look as follows:

*\*\*\*\*\* is inviting you to a scheduled Zoom meeting.*

*Topic: Statutory Committee Hearing  
Time: Apr 9, 2020 10:00 AM London*

*Join Zoom Meeting*

<https://zoom.us/j/709508038?pwd=UFRoWIA2Y2ZsZjJnY0VjeERNSFBFUT09>

*Meeting ID: 709 508 058*

*Password: 885060*

To join and participate in the meeting, participants should:

- follow the link to join the meeting or alternatively, if they have the Zoom desktop client on their computer or device, they can sign in to Zoom then click Join;
- enter the meeting ID number and the meeting password;
- select to connect with audio and video and click Join;
- immediately on joining the hearing, declare their attendance/presence to fellow participants;
- ensure that their microphone and webcam are working and are switched on; and
- ensure that they can see and hear all other participants and that they themselves can be seen and heard.

## **4.2 Monitoring of participation**

Before the hearing starts, and throughout the hearing, the Secretary to the Statutory Committee must ensure that only those persons who are entitled to participate in the particular part of the hearing are part of the main Zoom meeting.

Although the Zoom meeting rooms help to ensure that only those participants who should be present are present, the Secretary to the Statutory Committee is responsible for the management of the entry and ejections from the main hearing and Zoom meeting rooms. The Secretary should, therefore, continue to check that the correct participants, and only the correct participants, are present for the session that is active at a particular time.

## **4.3 Members of the Public**

Substantive Statutory Committee review hearings are considered priority hearings under Council's Covid-19 Fitness to Practise policy. These hearings are public hearings and, therefore, members of the public must be able to be satisfied that the rights and interests of the public are being adequately protected. Such cases will be listed on the website of the Pharmaceutical Society NI noting the use of Zoom technology.

Members of the public who have queries about the hearing should be directed to contact the Secretary to the Statutory Committee so that any particular request or query from a member of the public, including a request to attend, can be considered by the Chair of the Statutory Committee. If the attendance of a member of the public can be facilitated at a Zoom hearing, he/she will be required to provide personal contact details in advance of the hearing. Members of the public joining a remote hearing will have to meet the requirements of this operating procedure.

The Secretary to the Statutory Committee will mute members of the public for the duration of the hearing. Should a member of the public need to contact the Secretary because of technical issues during the hearing, they should do this via a pre-agreed alternative communication method.

## **4.4 Before the hearing**

It may be necessary for the Committee, the Committee Secretary, parties, witnesses, or a combination thereof, to have a preliminary discussion about any issues that have arisen or may arise in relation to the use of the Zoom technology. Participants and the Secretary should ensure that only those people who are involved in those discussions are present in the meeting room session.

#### **4.5 Document Management**

- Participants should have easy access to the documents that they need to participate in the hearing, including all relevant guidance and the specific exhibits relevant to the hearing.
- Documents received in advance of the hearing should be emailed securely to the Secretary of the Statutory Committee for circulation. The Panel should familiarise themselves with these documents and the Chair should label these documents as exhibits.
- Any documents presented in session should be sent electronically to the Secretary. The Chair should label these additional documents as exhibits.
- Members of the public should not see or be sent any documents pertaining to the hearing.

#### **4.6 Informal introductions**

Before the hearing starts, the Chair should introduce the members of the panel and ask each participant to identify themselves. Each participant should ensure that they can see and hear all other participants and that they themselves can be seen and heard. If members of the public are in attendance, the Chair should welcome them and note their attendance as non-participants at the remote hearing. These introductions are not intended for the record.

#### **4.7 Starting the hearing**

The Chair should:

- start the hearing by making the usual introductory remarks;
- invite and require each participant to identify themselves clearly;
- give a brief overview of the remote nature of the hearing and should ask that all participants and the stenographer to identify any issues with seeing or hearing, or being seen and heard, without delay; and
- where background noise is a problem, ask the Secretary to the Committee to mute the microphones of participants whilst they are not talking, or to use headphones.

#### **4.8 During the hearing**

- The Secretary will monitor the hearing by ensuring that participants' connections are stable and that their webcams and microphones are switched on.
- Every 20 minutes, the Chair should check with participants that they remain online and that they can continue to see and hear proceedings.

- If members of the public are in attendance, the Secretary to the Statutory Committee will monitor their connection.

#### **4.9 Breaks**

Regular breaks should be taken for the comfort of all participants, for instance a 15-minute break for every 90 minutes in session. The Chair should have ongoing regard to the interests and well-being of the Registrant whose conduct is under scrutiny at the hearing.

#### **4.10 In-Camera sessions**

Using the Zoom meeting rooms, the Secretary should ensure that only those participants who should be present are present. The Secretary will, if necessary, place those participants who are not entitled to participate in the *In-Camera* session of the hearing into a separate meeting room.

#### **4.11 Recording the hearing**

The hearing will be recorded by a stenographer who has joined the hearing for this purpose. No member of the public or participant should record the proceedings by any other means.

#### **4.12 Adjournments and releases**

When adjourning the hearing, even for a brief pause or break, the Chair must clearly announce the fact of the adjournment. The hearing then must stop.

When the panel adjourns, they will be placed in a separate meeting room. The parties to the proceedings can request of the Secretary that they be placed in separate meeting rooms or a third meeting room should they wish to discuss a particular issue together.

Unless discussion between the members of the panel and/or parties is required, participants should remain in the hearing room when there is a break or an adjournment but should mute their microphone and switch off their video camera.

#### **4.13 Hearing evidence**

Any witness who is giving evidence should first state the words of the affirmation. An oath should not be given for evidence given remotely and only the affirmation should be used.

Before a witness starts their evidence, the remote nature of the hearing should be explained to them by the Chair. The Chair should also require all participants to introduce themselves to the witness.

#### **4.14 Service of determination**

The Chair should:

- either read the full determination into the record or, alternatively, direct that it be incorporated into the record of the proceedings;
- direct that the determination be served on the registrant and his or her representatives and that, in the present circumstances relating to the Government's Covid-19 measures, it is likely that service can only be provided by email. Parties should be asked to state any concerns about such service on the record.

The determination will be published in the usual way by the Pharmaceutical Society of NI on its website.

With the approval of the Chair of the Panel, a transcript of the hearing may be made available to third parties.

#### **4.15 Abandonment**

All efforts should be made to provide an environment in which hearings can happen, albeit remotely. If, however, it becomes impractical for the hearing to proceed, the Committee may wish to hear from parties as to the appropriateness of continuing.