

Fitness to Practise Committee – 3 June 2010

Practice Note: Hearing Venues

Executive summary and recommendations

Introduction

The Practice note ‘Hearing Venues’ provides guidance on the location of hearings. It has been reviewed and updated to ensure that it remains fit for purpose.

Decision

The Committee is asked to discuss the practice note and recommend that the Council approve the Practice Note – Hearing Venues

Resource implications

None

Financial implications

None

Appendices

Practice Note – Hearing Venues

Date of paper

20 May 2010

PRACTICE NOTE

Hearing Venues

This Practice Note has been issued by the Council for the guidance of Practice Committee Panels and to assist those appearing before them.

Introduction

Article 22(7) of the Health Professions Order 2001 provides that:

“Hearings and preliminary meetings of the Practice Committees at which the person concerned is entitled to be present or to be represented are to be held in –

- (a) the United Kingdom country in which the registered address of the person concerned is situated; or*
- (b) if he is not registered and resides in the United Kingdom, in the country in which he resides; and*
- (c) in any other case in England.”*

Panels have a discretion as to exactly where a hearing is held within the home country of the registrant concerned and hearings do not need to be confined to Belfast, Cardiff, Edinburgh and London. The HPC adopts a flexible approach to hearing venues and, subject to the finite resources and funds available, seeks to accommodate the reasonable needs of all those who must attend hearings.

The HPC has dedicated video conferencing facilities at its offices in London. In certain cases panels may determine that it is appropriate for evidence to be given via video-link. Such circumstances may include (but are not limited to) occasions where the witness is based outside of the United Kingdom, has accessibility difficulties and for vulnerable witnesses.

Procedure

Wherever possible, hearing venues will be dealt with as an operational matter by the Fitness to Practise Department following appropriate consultation.

If agreement cannot be reached, the Panel Chair may be asked to give directions as to the venue for the hearing, usually electronically. In exceptional circumstances, the Panel Chair may need to conduct a preliminary hearing for this purpose.

In reaching a decision, the Panel Chair should take the following factors into account:

- the personal circumstances of the registrant concerned, for example, whether the registrant is the carer of elderly relatives or young children;
- the needs of witnesses, particularly where vulnerable witness orders have been made or witnesses are disabled or elderly;
- the effect that the location of the hearing may have on the quality of evidence given by witnesses at the hearing;
- the number of witnesses and their respective locations. Including the financial implications of witness travel and the impact the hearing may have on the services provided by witnesses from a single organisation;
- the financial implications for both the HPC and the registrant concerned, including whether, in the opinion of the Panel, a decision in favour of the HPC would cause undue hardship to the registrant concerned.

This is not intended to be an exhaustive list of the factors which need to be considered by Panels in reaching their decision.

July 2010