

## **General Osteopathic Council**

### **Professional Conduct Committee**

#### **Practice Note**

#### **Postponement and adjournment requests**

#### **Effective from 20 June 2013**

On occasion, the Chair of the Professional Conduct Committee (PCC) may have to decide whether to postpone the start of a hearing or whether to adjourn a hearing that has begun. This document explains how these decisions are reached and what factors are taken into account.

This document should be read in conjunction with the PCC's *Preparing for a PCC hearing*.

#### **Postponements**

A postponement is a decision to delay the start of a hearing that has been formally listed i.e. the notice of hearing has been served on the registrant but the hearing itself has not yet started. Applications for postponements can be made by either the registrant or the GOsC.

The decision as to whether to allow the postponement is made by the PCC Panel Chair, in accordance with Rule 18 of the GOsC (Professional Conduct Committee) (Procedure) Rules 2000 (PCC Rules).

#### Making an application for a postponement

An application for a postponement should be made in writing by the party requesting it and it should include:

- the reasons for the request
- any evidence supporting the request (for example, a request for a postponement because of the registrant's ill health should be supported by a medical certificate or note from the registrant's GP or medical advisor)
- an indication of how long the party would wish the hearing to be postponed
- an explanation of what the postponement will achieve.

The written application should be sent to the PCC Clerk who will provide it to the other party and seek their response. Both the written application and the response will then be provided to the PCC Chair for the hearing concerned.

## Deciding the application

It is in the interest of all parties, and the public interest, that allegations are heard and resolved as quickly as possible. The PCC Chair will have this in mind when considering whether to allow the postponement. They will also take the following into account:

- whether the reasons for the request are sufficient to justify the postponement
- whether the evidence provided actually supports the request
- whether the other party has any objections to the postponement and their reasons for those objections
- any potential inconvenience caused to a party or witness if a postponement is allowed
- how much notice was given to the party for the PCC hearing
- whether the case has previously been postponed
- what a postponement will achieve
- whether a decision not to allow the postponement would create a potential injustice
- the public interest in the expeditious consideration and disposal of the case.

The decision whether to postpone or not is at the discretion of the PCC Chair. Such discretion will be exercised fairly, after taking account of any representations from the parties and any advice from the legal assessor. The PCC Chair will communicate their decision and the reasons for it to the Clerk, who will notify both parties of the decision.

If a postponement is allowed, a new date for the hearing will be set in accordance with Rule 18(2) of the PCC Rules.

If a postponement is refused, the hearing will proceed as originally planned.

## **Adjournments**

Once a hearing has begun, the PCC Chair may, at any stage during the proceedings, decide to adjourn those proceedings in accordance with Rule 55 of the PCC Rules. This would be an adjournment of the proceedings to another date and not a short break (for example, to allow legal representatives to take instructions or witnesses to take a break from giving evidence). Adjournments may be made, for example, because:

- the case has overrun the days allotted to it
- the registrant or another key witness has become unwell during the hearing or has not been able to attend for good reason
- additional evidence may need to be obtained.

## Making an application for an adjournment

The parties to the proceedings may make an application for an adjournment, which will be considered by the PCC Chair. The application must specify the reasons for the request and be supported by relevant evidence.

## Deciding the application

The registrant is entitled to a fair hearing and it is in the interest of all parties, and the public interest, that allegations are heard and resolved as quickly as possible.

When deciding whether to adjourn, the PCC Chair will take the following into account:

- the reasons for the adjournment request
- whether the other party objects to the adjournment and their reasons for that objection
- any potential inconvenience caused to a party or witness if a postponement is allowed
- the previous history of the case (such as whether there have been other adjournments, who requested them and why)
- whether the parties will be able to present their case fully if the adjournment is not granted
- the public interest in the expeditious consideration and disposal of the case.

Whilst the decision to adjourn lies with the PCC Chair, the Chair may consult their Committee colleagues when making a decision.

The decision whether to postpone or not is at the discretion of the PCC Chair. Such discretion will be exercised fairly, after taking account of any representations from the parties and any advice from the legal assessor. Reasons for the decision will be given by the PCC Chair.

Please note: this document is designed to guide the PCC Chairs. It is not intended to restrict them from exercising their own judgement. Every case, even if it contains similarities to other cases, is unique and will be judged on its particular merits.

For further information about the PCC's procedures and guidance, please see the GOSc's website: [www.osteopathy.org.uk](http://www.osteopathy.org.uk)