



General  
Osteopathic  
Council

**Annex B to 11**

# Draft Remote Hearings: Guidance and Protocol

**Investigating  
Committee**

**Professional  
Conduct  
Committee**

**Health  
Committee**



### Draft Remote Hearings Guidance and Protocol

#### Introduction

- 1 The overarching objective of hearings before the Professional Conduct Committee (PCC) is protection of the public. This requires concerns to be heard and adjudicated upon and, if appropriate, sanctions to be imposed or advice to be given within a reasonable time.
- 2 A delay in proceedings is capable of adversely affecting the overarching objective. It is also unfair to expect osteopaths, complainants and other witnesses to endure lengthy delays in the progression of cases.
- 3 The COVID-19 pandemic prevented the timely hearing of cases 'in person'. Commensurate with the overarching objective, the GOsC considers that pragmatic and fair alternatives to 'in person' hearings should be used where appropriate. As such, the pandemic necessitated the use of remote hearings (where the hearing is conducted through an online video conference platform) or 'blended' hearings (where some of the parties, including witnesses attend in person at the GOsC's hearing rooms at Osteopathy House, London, while others attend by video conference) to ensure that all those involved in its fitness to practise hearings can participate in proceedings safely.
- 4 Over a short period of time, we have acted quickly, flexibly and responsibly in adapting to significant challenges arising due to the pandemic and the restrictions imposed. We introduced [Interim Remote Hearings Protocol guidance](#) in July 2020 in response to the COVID-19 pandemic. Before commencing remote hearings, we provided training to our panels on conducting hearings and meetings remotely. We also introduced CaseLines for all our hearings in January 2021. CaseLines is a secure, purpose-built online software package for managing documentary evidence reviewed in virtual hearings.<sup>1</sup>
- 5 Prior to a period of external consultation, we conducted a general review of the interim remote protocol introduced in July 2020, to incorporate feedback, insights and build on the learnings we have acquired so far through the experiences of participants of our remote and blended hearings.
- 6 Effectiveness depends upon the individual witness feeling enabled to give their best evidence. Provided that the technology functions properly and witnesses are given the same advice as other parties about presentation, sound and lighting, there is no empirical research to suggest that vulnerable or other witnesses

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<sup>1</sup> CaseLines was piloted in review hearings and in all Investigating Committee meetings from August 2020

including osteopaths are less effective 'online' as opposed to being 'seen' in person by a court or tribunal. The PCC should focus on the content of the witnesses' evidence together with its clarity and consistency with other evidence and known facts in the case.

- 7 In practice, it is relatively routine for witnesses, including vulnerable witnesses, to provide evidence via a live link and this has been shown to assist witnesses in achieving their best evidence.<sup>2</sup>
- 8 This guidance and protocol is designed to assist all hearing attendees including fitness to practise committee members, case parties, legal representatives, the legal assessor, witnesses and GOsC hearing staff. It is separated into two parts, the first part is guidance on the conduct of hearings that may be held remotely (whether fully or in part). The second part sets out the procedural and logistical arrangements for preparing and attending a remote hearing. It also covers the process, presentation and access to documentation and management of witnesses.
- 9 Because of the efficiencies and flexibility afforded by remote hearings, we intend to continue utilising them for the foreseeable future post pandemic. Our revised Remote Hearings Guidance and Protocol has been designed to set out the framework and our approach to managing remote hearings into the future and provides guidance for all hearing attendees, including members of the public.

### **Identifying in advance cases that should be conducted in person or remotely**

- 10 Feedback from participants at hearings, including patients, defence representatives, the panel members and legal assessors, supports our experience that the vast majority of cases can be effectively and fairly managed remotely.
- 11 While the [Professional Conduct Committee \(Procedure\) Rules 2000](#) are silent as to whether hearings can be held remotely, they do not specifically prohibit virtual hearings and as such the registrant's (the registered osteopath) consent is not required for hearings to be managed in this way.
- 12 We carefully review every case awaiting PCC consideration to determine whether or not an 'in person' or remote hearing would be appropriate, giving careful consideration to the individual features and circumstances of each case. However, where there are particular complexities specific to individual cases (for example, any disabilities or other vulnerabilities or requirements of any of the participants) it is important that these are identified in advance. Equally the registrant and/or their legal representative should also raise this with the GOsC in advance. Ideally the registrant should identify their preference and the reasons to support this within the listings questionnaire (where appropriate) so this can be taken into account before the case is listed for hearing. How we progress and list

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<sup>2</sup> The use of live link is now standard in criminal and regulatory proceedings where a witness is vulnerable through age or where the complaint is sexual in nature.

cases after referral by the Investigating Committee is contained within our [Standard Case Directions](#).

- 13 Where a registrant objects to a hearing taking place remotely, they should make an application, supported by written submissions, for the consideration of a Chair of the Professional Conduct Committee well in advance of the hearing. These submissions will then be taken into account by the Chair when determining whether the hearing can be managed remotely. The Chair will produce written reasons for their decision.
- 14 For those cases identified as being suitable for remote hearings, we will liaise with all case parties to ensure that they have the appropriate/sufficient IT equipment to participate fully at the remote hearing. Should any access issues arise, the case can also be considered for a blended hearing instead. If a witness or the registrant is vulnerable or requires technical support in order to give their evidence, the hearing may be held as a blended hearing and the witness or registrant will attend the GOsC office to give evidence. A registrant may also wish to give evidence from their legal representative's office or counsel's chambers if that can be facilitated.

### **At the hearing**

- 15 The Chair should remind parties and witnesses in 'plain terms' that a remote hearing is a formal tribunal hearing and they are expected to behave accordingly. The parties shall agree to conduct the remote hearing in a manner that is consistent with the principles of fairness, co-operation and good faith. The Chair should establish a speaking protocol at the outset. Participants, when introduced, will acknowledge the introduction by confirming their attendance for the purposes of the recording.
- 16 The PCC, the legal assessor and the parties will need to be more proactive in relation to remote hearings. If something goes wrong (for example, a critical participant drops offline, or someone's connection fails) the PCC should pause until the issue is sorted out.
- 17 Once parties have successfully joined the hearing, they should leave their camera on but put their microphone on mute. This ensures that any background noise and feedback is kept to a minimum.
- 18 The Chair should ensure they can see everyone on their screen and be alert throughout the hearing to raised hands and other visible cues from hearing participants.
- 19 Participants should take turns to speak as they are invited to do so by the Chair.<sup>3</sup> This ensures that the proceedings are easy for all participants to follow. All participants should be made aware of and guard against the risk of 'talking over'

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<sup>3</sup> The hearings clerk will ensure that the Chair is given control over the microphones during the public sessions of the hearing

each other. There is frequently a delay in transmission and participants engaged in a dialogue such as questions and answers should take account of this.

- 20 When invited to speak, a participant should unmute their microphone before doing so and place their microphone on mute again once they have finished speaking. This is particularly important where participants are attending the remote hearing from the same physical room, for example, an osteopath and representatives. This is to avoid audio feedback (echo, static) during the hearing.
- 21 Hearings are usually held in public unless the hearing is before the Health Committee, or the PCC makes an order for all or part of the hearing to be heard in private. Remote hearings before the PCC should, so far as possible, still be public hearings. Where a member of the public is attending the virtual hearing, the Chair should invite them to introduce themselves before the hearing is formally opened.
- 22 Experience of remote hearings and meetings has shown that hearing cases remotely is more tiring than hearing cases in person. It is important that the Chair and PCC members take account and be responsive to the possibility that of long hours in front of a screen concentrating hard can be more draining and may have an impact on the ability for all participants to communicate effectively. The Chair should therefore allow for frequent comfort breaks at convenient moments throughout the hearing day.

### **Practical arrangements for remote hearings**

- 23 Remote hearings will be listed (this means the number of days planned to ensure the hearing is concluded) by the GOsC to take account of the extra time that will be needed to accommodate the need for regular breaks (for all participants to have comfort breaks or to seek/ provide instructions) and that there should be relatively shorter sitting days.

### **Joining instructions**

- 24 Once the hearing clerk has listed a virtual hearing, an email will be sent to all participants. This email will confirm the date, time and joining instructions for the hearing. Participants will also be asked to confirm their availability for a test call prior to the hearing.

### **Test call**

- 25 All participants including witnesses in a remote or a blended hearing will be asked to participate in a test call with the hearing clerk prior to the hearing. The purpose of the test call is to check that all participants are able to connect to the videoconference and that the overall connection, microphone and camera are compatible with the virtual platform and any document sharing platform that may be used from time to time.
- 26 The choice of platform used by the GOsC for remote hearings is currently [GoToMeeting](#).

27 In advance of the hearing the GOsC will set up three virtual meeting rooms for the hearing:

- The first will be the 'hearing room', in which the hearing will take place.
- The second will be the 'panel room', where the panel will retire to deliberate and make their decision.
- The third will be the 'advocates' meeting room', where the case presenters and/or an unrepresented osteopath can meet with the legal assessor during hearing breaks if required.

28 All participants will receive a link to the hearing room. Panel members and the Legal Assessor will additionally receive a link to the panel room. Case presenters, case parties and the legal assessor will receive a link to the advocates' meeting room.

### **Presentation and location**

29 The test call will give participants an opportunity to consider their visual/physical background for the call. GOsC recommends that participants set their cameras up somewhere with a neutral background if possible.

30 Participants should also give consideration to where they are going to situate themselves for the hearing. Participants should ensure that they are in a quiet room by themselves (unless the participant is the registrant and is accompanied by their representative) where they will not be disturbed for the duration of their participation in the hearing. The Chair may wish to confirm with a witness whether they are alone in the room and to confirm that they are not being assisted. Where the witness is being supported by a friend or family member, this individual should be positioned so that they appear on screen sitting behind the witness giving evidence.

31 The lighting of the room should be checked at the time of the test call. It is important that the lighting is sufficient so that participants can be seen clearly without obstructions on the screen.

32 Participants are reminded that remote hearings are just as formal as attended hearings and their clothing should therefore be appropriate to reflect this.

### **Hearing papers**

33 Since January 2021, the GOsC uses the document sharing platform 'CaseLines', a secure, purpose-built, online software package for managing documentary evidence reviewed in virtual hearings (please see Annex A with regard to navigating and utilising the CaseLines platform). GOsC's [standard case directions](#) require the parties to agree a joint hearing bundle (the documents and witness statements to be considered at the hearing) to be uploaded to CaseLines in advance of the hearing before the PCC. In practice the parties agree an index only, without pagination. The documents from this index are then uploaded to CaseLines by the case manager at least 7 days before the hearing. The bundle is then paginated by Caselines.

34 Hard copies of the papers will not usually be provided. However, if hard copies are required for accessibility reasons, please inform the hearing clerk.

### **Preparation and joining**

- 35 Before the hearing begins, participants should ensure that they have the hearing papers open on their desktop. Participants may wish to have these open on a separate device, if this option is available to them.
- 36 All participants (except witnesses) are instructed to join the hearing at least 30 minutes before the start time to ensure their overall connection is running smoothly and avoid delaying the start of the hearing. Owing to the novelty of online hearings for many people, the first day of any online GOsC hearings will start at 9:30am, so participants should aim to be signed in by 9:15am. The start times for any subsequent hearing days will be confirmed by the Chair at the end of each day.
- 37 Participants can join the hearing by clicking on the link that has been provided to them by the hearing clerk with the joining instructions.
- 38 Once participants have successfully connected, they can turn off their microphones and cameras until the hearing start time.

### **Managing technical problems**

- 39 While online communications are now common practice, they are still unfamiliar to many people. The Panel and the GOsC also recognise that some people will be less adept at using technology. It is an important principle that technological glitches should not cause stress or adversely affect a witness or registrant's ability to participate fully in proceedings.
- 40 If participants experience any technical problems during the hearing, they should inform the Chair or use the chat function to inform the hearing clerk. The chat function can be accessed by clicking on the speech bubble icon on the screen.
- 41 If participants are disconnected from the hearing and cannot reconnect, they should call the GOsC's hearing clerk on their direct number, or call 020 7357 6655 x236.
- 42 If any party is experiencing technical difficulties that prevent them from participating in the hearing, the hearing must be paused to allow the issues to be resolved.

### **Recording**

- 43 All GOsC hearings are recorded. At the beginning of the hearing, the hearing clerk will inform participants that the recording is going to be started. Participants will then hear an automatic announcement confirming that the meeting is being recorded. The recording will be of both sound and video.
- 44 When the panel retires to make its decision, the recording will be switched off. Participants will again hear an automatic announcement confirming this.
- 45 Participants are not permitted to make their own recordings or take a 'screenshot' of the hearing.

### **Providing instructions to case presenters (GOsC or registrant)**

- 46 During an attended hearing, the case presenters are usually seated next to the case party they are instructed by. This enables instructions to be sought and given during the hearing with minimal disruption. For remote hearings, GOsC

recommends that instructions are communicated via email where possible while the hearing is ongoing.

47 Where telephone instructions are necessary, the Chair should allow short breaks for case presenters to receive instructions if required.

48 Where either telephone, text or email communication are or may be necessary during a hearing, the Chair should ensure that all phones are on silent mode and are not a distraction.

#### **Witness support<sup>4</sup>**

49 Unlike the other hearing participants, witnesses do not join the hearing at the outset. They attend only to give their evidence. The caseworker will inform the witness in advance of the likely time when they will be called. The witness should ensure that they are available during the time period given by the caseworker.

50 When the panel is ready to hear the witness's evidence, the hearing clerk will contact them and ask them to join the hearing room.

51 The witness will have been sent by email their preferred oath or affirmation in advance of the hearing, and will be asked to read this out before giving their evidence.

52 Panel members should refer to the [Interim Practice Note on Witness Questioning](#) for guidance on managing witness evidence.

53 The witness will have a copy of their witness statement. Where the witness is required to be taken to documents within the bundle during questioning by the parties, they will be given online, restricted and redacted case access. The witnesses, Committee and parties will be able to view the particular document or page number at the same time via the online platform. However, members of the public or press attending the hearing will not be given access.

54 Witnesses should be afforded the opportunity for regular breaks to enable them to give their best evidence.

#### **Attendance by members of the public**

55 If any member of the public wishes to attend a hearing, they will be provided with the meeting link.

56 If part of the hearing is to be held in private, members of the public will be required to sign out of the hearing room. The hearing clerk will 'lock' the room once any members of the public have left, which will prevent any person from joining the hearing until the lock is removed. The hearing clerk will inform the members of the public once the public hearing has resumed, and will unlock the room to enable them to re-join the hearing.

57 If any members of the public attend the hearing, their microphones must remain muted with their camera switched off for the duration of the hearing. They should also ensure that they do not cause a distraction to any of the hearing participants in any other way.

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<sup>4</sup> Any witnesses will also be able to have a pre-hearing call



58 It is not permitted for any participant to make a recording of the hearing (other than the official GOsC recording) or take a screenshot of the participants.

### **'In camera' sessions**

59 At each stage of the hearing, having heard any submissions and evidence, the Committee will make its decision in private. The panel will withdraw to the panel room when this part of the hearing is reached.

60 Before the parties leave the hearing room, the Chair should provide them with a time estimate for when they will be required to re-join the hearing.

61 The Chair should provide the hearing clerk with updated time estimates as the discussions progress. The hearing clerk will then update the parties as necessary.

62 It is the responsibility of the legal assessor to produce the first draft of the written reasons of the panel's decision for the consideration of the panel. The legal assessor will also make revisions to the draft as necessary. The legal assessor can share this draft decision with the panel by sharing their screen. This can be done by clicking the screen icon in the bar of buttons at the bottom centre of the screen. Alternatively, drafts can be emailed to the hearing clerk to upload to the Committee. Please note that drafts must be emailed in a password protected format. The hearing clerk will provide a password for this purpose.

63 After the panel's in camera discussions are complete, and the written reasons for the decision have been finalised and agreed by the panel, the Chair will notify the hearing clerk. The hearing clerk will contact all participants and invite them to re-join the hearing. All participants should remain contactable by phone or email during the in-camera session to ensure that they are able to promptly return to the hearing room when contacted. Once all participants have re-joined the hearing, the recording will be turned on again.

### **Case presenter discussions**

64 It is sometimes necessary during a hearing for the case presenters to speak to one another, in the presence of the legal advisor, to discuss preliminary applications, points of process, etc. For remote hearings, these discussions can take place in the advocates' meeting room.

65 The advocates' meeting room is another virtual meeting room, which can be accessed using the second link provided by the hearings clerk to case parties, case presenters and the legal assessor.

66 If either party wishes to discuss any matters with the other party, they should inform the hearing clerk. The hearing clerk will inform both case parties and the legal assessor and ask them to join the advocates' meeting room.

### **After the hearing**

67 After the hearing has concluded, panel members must delete all downloaded papers from their device(s). This includes deleting any items in the recycling bin so that no confidential information remains on their computers or other devices.

68 The decision will be sent to all parties via email and uploaded to the GOsC website in line with our [Fitness to Practise Publication Policy](#).

69 All parties are encouraged to share feedback about the virtual hearing process on our remote hearings feedback form and return to: [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk).

### CaseLines Quick Start Guide

This document is intended to provide hearing participants with guidance about how to use the basic functions of CaseLines during a hearing.

CaseLines is a secure, purpose-built software package for managing evidence review in virtual hearings.

The below guidance details the separate features of CaseLines and provides a brief, bulleted, overview of how to navigate and utilise each feature ([Detailed guidance is also available](#)).

#### Accessing a bundle

- a. [Log into the system](#)
- b. Select 'View Case' List from the tabs at the top.
- c. Scroll down the page to find the list of case bundles that have been shared with you.
- d. For the bundle you want to view, click 'Review Evidence'. The bundle will open in a separate window.

#### Navigating a bundle using the index

- a. The index is on the left side of the screen.
- b. The bundle is divided into sections (section headings are in bold).
- c. Click on each heading to reveal the documents in that section.
- d. Click on any document heading to navigate to that document.
- e. The selected document will appear in the middle section of the screen.
- f. Use the scroll bar to the right of the middle section to scroll through the document.

Note that you can also collapse the section by re-clicking on the bold section heading.

#### Navigating a bundle using the 'Find' tab

- a. The Find tab is in the top left corner of the screen, next to Home.
- b. Click on the tab and the options menu will appear.
- c. Use the 'Next document' and 'Previous document' arrows to jump to the documents before or after the one you are currently viewing.
- d. Use the 'Viewing history' icon to view your recently viewed documents.
- e. Use the 'Search case' icon to find a specific search term in the bundle.
- f. Use the 'Find page' icon to go to a specific page number.

#### Giving page directions




- a. Navigate to the page you want to direct others in the hearing to.
- b. Click on the 'Find' tab in the list of the tabs at the top left of the screen.

- c. Click 'Direct Others to Page'.
- d. A pop-up box will ask you to confirm that you would like to direct everyone to the page you have chosen. Click 'Yes'.
- e. All other hearing parties will get a direction to that page.

### Receiving page directions

- a. If another hearing party wishes to direct you to a page, they will follow the process above.
- b. A pop-up box will appear on your screen notifying you that you have been issued with a page direction. It will ask if you wish to go to the page you have been directed to.
- c. If you click 'Yes' your bundle will turn to that page.
- d. Alternatively, you can opt to be automatically directed to another page whenever a page direction is issued. The Auto Direction button appears under the Find tab. If you turn this on, your bundle will automatically turn to the page you have been directed to when a page direction is issued.

### Opening dual panes


- a. The dual panes button  is in the top right corner of the central section.
- b. Click on this button to open a second pane.
- c. You can choose which pane is active by clicking the button next to the X in the top right corner of the **index** pane.
- d. Click it once to switch from the left pane  to the right pane. Click it again to switch back to the left pane.
- e. Once you have selected which pane you want to be active, you can navigate it using the index or find tabs (see instructions above).
- f. The following icon  allows you to enlarge or decrease the size of the required pane.
- g. To close a pane click the X in the top right corner of the pane you want to close.

### Making use of the Notes tab


- a. A page note is a note attached to a specific page of the bundle.
- b. To make a page note, first go to the page you want to annotate.
- c. Click on the Notes tab in the list of tabs at the top left of the screen.
- d. Then click 'Add a page' note.
- e. This will reveal further options eg 'Draw a Box' and 'Highlight', etc
- f. Select which type of annotation you want to make from the options.
- g. Click and hold your mouse button down to draw over the area of the page you want to add the note to.
- h. A blank note box will appear so that you can type in your note. You can choose whether this is a widely shared note or a private note. Private notes can only be seen by you and we recommend that you only make private notes. Widely shared notes can be seen by ALL hearing parties.

- i. Click 'save' once you have finished making your note. The note will now appear in the column on the right of your screen.

### **Making case notes**

- a. A case note is a general note made about the whole case.
- b. To make a case note, click on the Notes tab in the list of tabs at the top left of the screen.
- c. A blank note box will appear so that you can type in your note. You can choose whether this is a widely shared note or a private note. Private notes can only be seen by you and we recommend that you only make private notes. Widely shared notes can be seen by ALL hearing parties.
- d. Click 'save' once you have finished making your note. The note will now appear in the column on the right of your screen.
- e. Case notes are identified by this symbol  in the coloured strip at the top of the note.

### **Copying text**

- a. Within the Notes tab, click on the copy text icon 
- b. Drag the cursor over the required text.
- c. A green box will appear at the top right of the screen confirming 'Text has been copied to your clipboard!'
- d. You are now able to paste the text into another application (Microsoft Word for example).

### **Pop-Up Windows**

Some of the CaseLines functions described above will create pop-up windows when you use them. Please make sure that you have pop-up windows enabled on your internet browser settings.

### **Training responsibilities**

With the roll out of CaseLines to all case parties that attend hearings, the GOsC will ensure that all case parties are trained accordingly so that they can, assisted by the quick start guide above, easily navigate CaseLines.

The following table confirms the responsibility of GOsC staff to ensure that case parties receive appropriate training at least a week before a hearing commences. We would ask that, should you not be comfortable with using CaseLines then please contact the relevant GOsC staff member below to receive up to date training on CaseLines.

Case party	GOsC trainer
Legal assessors	Regulation Manager
Witnesses	Regulation Caseworker
Case presenter	Regulation Caseworker
Registrant and/or representative	Regulation Caseworker
Panellists (to note that all panellists as at 30/11/2020 have received CaseLines training)	Regulation Manager