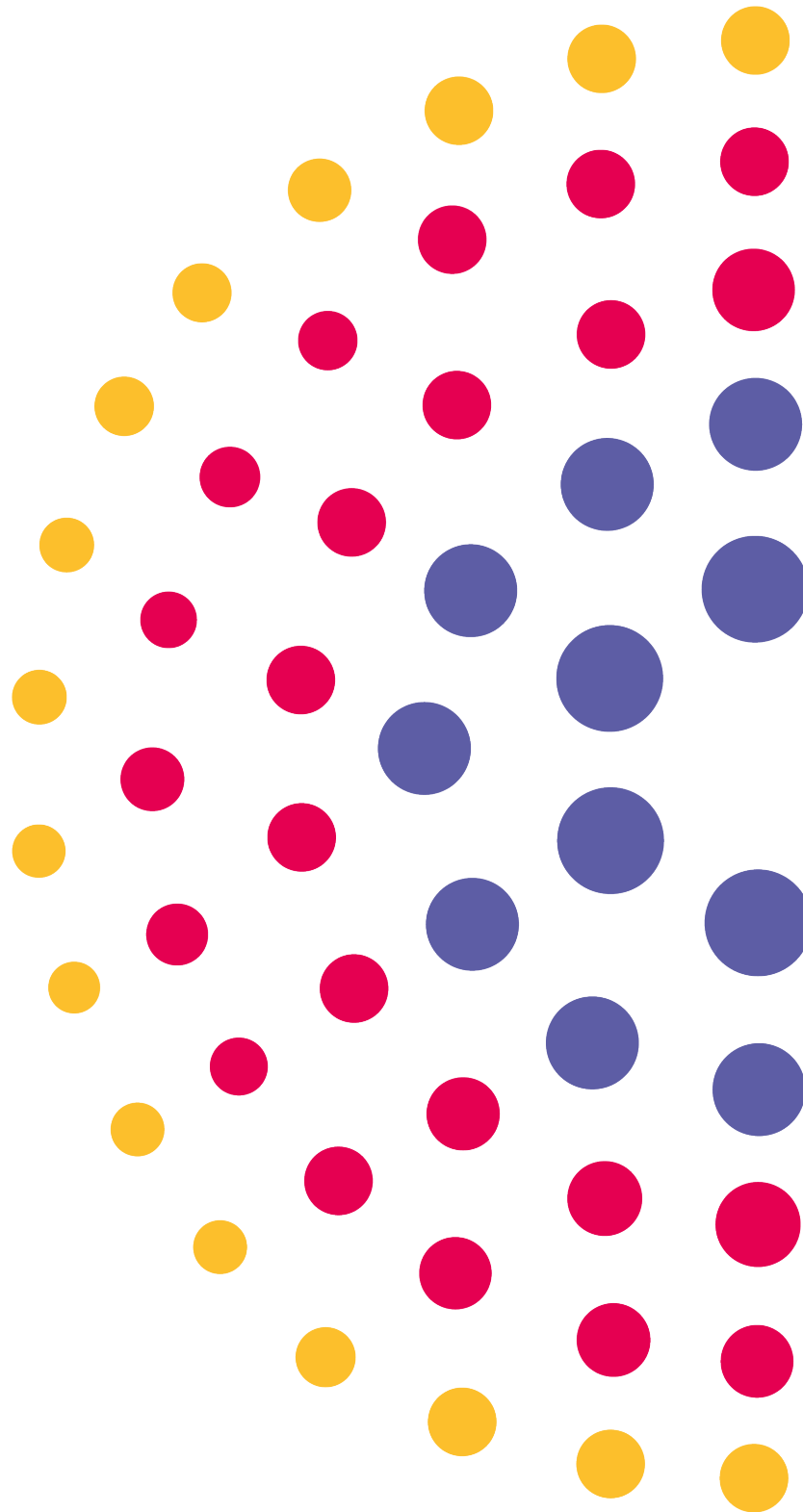


GUIDANCE NOTES

Staff and Students

Virtual Panel Hearings

March 2020



This guidance serves to provide support and clarity for the staff and students who engage with Virtual Panel Hearings. This specific document outlines best practice where Panel Hearings cannot take place in person and ensures that where these events do take place 'virtually' they remain consistent and rigorous throughout.

Whatever the purpose and focus of the Panel Hearing the support and welfare of all students is a key priority. The emphasis of each Panel Hearing may differ, for example, the safety of patients is of paramount importance to the Student Fitness to Practise Committee. To ensure that these matters are managed and resolved in a timely way and to facilitate graduation and/or progression where it is considered appropriate to do so, the Panel Hearing may need to be undertaken in a virtual environment. This guidance supports that process and ensures that the undertaking is safe and effective for all staff and students.

It is imperative that all staff and students involved have read the relevant Regulations, Policies and Codes of Practice, which underpin the student's studies and which may apply to the circumstances.

There may be some cases where a Virtual Panel Hearing is not appropriate due to the nature of the discussion and/or the lack of security available at any of the locations. This decision should be taken by the Dean of the Medical School (or designated authority) and the Chair of the relevant Committee (or designated authority).

Note: In accordance with the relevant Codes of Practise if the student fails to attend the Hearing¹, the Panel is entitled to reach a decision in their absence.

The Panel should satisfy itself that all reasonable attempts have been made to inform the student of the Panel Hearing, that the student has been given adequate opportunity to attend and that, as far as can reasonably be ascertained, the student has declined to attend.

VIRTUAL PANEL HEARINGS

The importance of the student voice at all Panel Hearings is very important as individual circumstances can vary greatly. Cases that may appear as the same or similar are often not at all the same, and bespoke individual outcomes are required.

However, there are circumstances where the student and/or the Panel are unable to meet in person and there are a number of additional factors, which should be taken into account i.e.

¹ This applies to all Panel Hearings whether virtual or in person.

Arrangements for Video-conferencing

Due to the need to 'see' the student, and for them to 'see' the Chair and Panel Members and others present, this is the preferable approach. The etiquette for video-conferencing is well established (e.g. use of names, raising hands) and the Chair has the responsibility for ensuring that the student, panel members and others all have the opportunity to ask/respond to questions as appropriate.

Where this approach is agreed, it is essential that staff and students are able to access the guidance that outlines the key principles that underpin all Panel Hearings e.g. all documentation is the same; this is shared with staff and students at least 21 days prior to the Panel Hearing. In addition, arrangements for the staff and student to attend the Virtual Panel Hearing by video-conferencing must be shared at the same time, with the same information being disseminated to everyone at the same time.

Staff and the student should inform the Hearing Secretary in advance of the following:

The location from which they will each be calling.

The security of the location and/or internet connection²

The privacy of the location.

During the Panel Hearing the audio and visual facilities used by the Student and the Panel should be the same (this means that both parties should be able to hear and see each other, where possible). The Panel Hearing should not be observed or heard by anyone else (other than the 'Supporter'). If the Student is not able to answer the videoconferencing call for any reason, or if the connection fails, the Chair may decide that the Panel Hearing should continue as if the student was absent. If any Panel Member is unable to join and/or the connection fails, the Chair must decide to adjourn, postpone or proceed with the Panel Hearing. This must all be documented and the reasons for all decisions open and transparent.

The Chair will be responsible (with the Hearing Secretary) in deciding how witnesses (where applicable) are managed. This must be explicit on the meeting agenda which is shared with staff and the student at least 21 days prior to the Virtual Panel Hearing.

The software recommended by the Faculty/Medical School is **Microsoft Teams**³ and the Hearing Secretary will confirm this when the Virtual Panel Hearing is confirmed and the documentation is distributed. If anyone has any queries and/or issues with access to the recommend software, they should contact the Hearing Secretary as soon as possible.

Student support in all of these cases needs to be carefully considered and how the student is to access support before, during and after the Panel Hearing will require individual deliberation. This may largely depend on the location of the student at the

² This may include information about who else will be in the vicinity, are they likely to overhear the discussion, is the use of a headset necessary etc

³ Microsoft Teams is an excellent way of communicating with staff and students online. The video conferencing is very stable and permits users from all sorts of different platforms to join - mobile, pc, mac, desktop, tablet etc.

time e.g. other country. However, the Faculty/Medical School may wish to consider having a colleague attend as the 'designated supporter'.

Arrangements for Tele-conferencing

The Faculty/Medical School is only likely to approve arrangements for the staff and student to attend the Panel Hearing by telephone, when visual facilities are not available and in very exceptional circumstances. As above, this approach would require approval of the Dean and relevant Chair of the Committee.

The approach taken during the Panel Hearing is the same as if it was being conducted via video-conferencing. For example, we recommend using the 'calls' function on Microsoft Teams and the audio facilities used by the Student and the Panel must be the same. The Panel Hearing should not be heard by anyone else (other than the 'Supporter'). If the Student is not able to answer the telephone call for any reason, or if the connection fails, the Chair may decide that the Panel Hearing should continue as if the student was absent. If any Panel Member is unable to join and/or the connection fails, the Chair must decide to adjourn, postpone or proceed with the Panel Hearing. This must all be documented and the reasons for all decisions open and transparent.

VIRTUAL EVENTS

For the reasons stated above there are cases where it is necessary to hold Virtual Panel Hearings where the panel, secretary, student and possible witnesses and supporter are all in different locations. Whilst this is undoubtedly a technological challenge these can be largely overcome with the appropriate implementation of software such as Microsoft Teams. The Faculty/Medical School is also well placed to ensure that other factors such as the availability of professional support in place.

Student Guidance

Students are strongly advised to read carefully the Guidance Notes for Students for all Panel Hearings.

However, the key points are worth reiterating and apply whether the Panel Hearing is in person or via a virtual approach.

- You are encouraged to bring a supporter with you to the Hearing. This can be a friend, fellow student, students' Union representative or member of staff of Hull York Medical School. You should advise the Hearing secretary of your supporter's identity at least seven days prior to the Hearing. This is not a legal process and whilst **legal support may be sought in advance of the Hearing their attendance at the event itself is not permitted.**
- Be prepared in good time for the Hearing, this will help you to approach the meeting calmly and to give a good account of yourself and to demonstrate appropriate professional behaviour.

- It is impossible to predict how long a Panel Hearing will last: make sure you are available for as long as needed (this may be particularly important for Virtual Panel Hearing so make sure the room/connection is available etc).
- Preferably have a designated room that will be available for you and your supporter (this should be somewhere nearby and quiet as you may wish to prepare/ take a break from the Virtual Panel Hearing). Make sure you bring the Hearing Papers with you, and you are familiar with their content and have read them thoroughly.
- Remember the Panel is neutral, its members will make their decision based on the documentation provided to them and what they are told by you and the Investigating Officer.
- The Reasons for the Hearing will be discussed followed by the Investigating Officer summarising their report. Both you and the Panel will then be given the opportunity to ask for any clarification. If there is anything you feel is unclear or inaccurate, now is the time to raise it. The Investigating Officer does not discuss the case with members of the Panel except in the Hearing when you are present.
- The Panel members will then have the opportunity to ask you questions. It is really important that the Panel hears directly from you. Your supporter will not respond to questions for you but can remind you and prompt if needed.
- Once all the questions have been asked and answered, you will be given the opportunity to further clarify any points that may have arisen during the Hearing so far. This is your chance to make sure that you have given the Panel all the information you think is pertinent to the case. Your supporter will also be given the opportunity to add comments.
- **It is understandable that you may find the Hearing stressful. If things are getting difficult and you would benefit from a break, just ask the Chair of the Panel who will happily accommodate this. If you need time to compose yourself, this is absolutely fine.**
- Honesty is a key consideration for the Panel and at the heart of good professional practice. It is imperative that you are open and honest at all times during the process.
- Once all questions and statements have been concluded, you, your supporter and the Investigating Officer will be asked to withdraw while the panel comes to a decision in private.

It can be stressful to attending a Hearing and then have a negative outcome. It is important to think about what you will do in the event of difficult news. It can be helpful to have told someone else about your Hearing, even if they are not your supporter on the day. Try to think about who you can talk to afterwards and how

you plan to get home (if you are not already there). Remember that the network of Student Support will continue to be available to you in the days and weeks that follow, whatever the outcome.