
Remote Hearings Consultation

Paper Summary

Emergency rules were introduced by government on 4 March 2021 in response to the COVID-19 pandemic. These rules gave HCPC, and other healthcare regulators express provisions to hold a meeting or hearing fully by audio or video conferencing facilities. Between 31 August 2021 and 23 November 2021 we consulted on a proposal to seek an amendment to our legislation which would give us express powers to hold hearings remotely once the Coronavirus emergency powers come to an end.

We received 630 responses to the consultation, with around 86% of respondents indicating that there were reasons why we should not be able to hold remote hearings once the emergency period ends. This paper considers the HCPC's response to the issues raised in response to this consultation and makes a number of recommendations to Council.

Previous consideration	This matter has been subject to public consultation, and the recommendations in this paper have been considered by ELT.
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Decision

We are recommending that:

1. We seek an express power in our legislation to enable us to hold remote hearings post pandemic.
 2. In relation to determining whether final fitness to practise (FTP) hearings should take place in person or remotely, we recommend that the starting point should be for a balanced decision to be taken, weighing various factors relevant to the particular case.
 3. We agree a series of factors/principles which will be taken into account when reaching a decision around whether a final FTP hearing should take place in person or remotely.
 4. We outline the approach that will be taken to determining whether a hearing should be in person or remote in our decisions document.
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5. For FTP hearings other than final hearings¹, the starting point is that they should be held remotely, unless evidence suggests a hybrid approach/in-person hearing is more appropriate (this decision will be based on the factors outlined in relation to final FTP hearings).
 6. decision will be based on the factors outlined in relation to final FTP hearings).
 7. For registration appeals hearings, the starting point is that they should be held remotely, unless evidence suggests a hybrid approach/in-person hearing is more appropriate (this decision will be based on the factors outlined in relation to final FTP hearings).
 8. We commit to monitoring the impact of our decisions around remote hearings after they have embedded to ensure there are no unforeseen issues which need to be addressed through a change in approach.
 9. Consultation outcomes documents should be delegated to the Chief Executive in consultation with the Chair.

Next steps

We will draft the decisions section of the consultation outcomes document based on the decisions taken at this Council meeting, and we will seek a legal review of the final documents ahead of publication. We will then publish and implement the decision supported by our communications and engagement plan.

We will also liaise with the Department of Health and Social Care in relation to any relevant legislative changes required to implement Council's decisions.

Strategic priority

This programme of work directly supports strategic objectives 1, 3, 4 and 5 of HCPC's corporate strategy.

Financial and resource implications

The decisions in this paper may impact on costs and resources within the organisation, and particularly on FTP and Registration Budgets.

EDI Impact

Equality impacts were explored within the consultation. A detailed Equality Impact Assessment is at Annex C.

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¹ This includes Substantive Review Hearings, Interim Order Hearings, Interim Order Review Hearings, Preliminary Hearings, Consensual Disposal Cases and Restoration Cases.

Annex A

Outcomes following the HCPC's consultation on remote hearings

Background

1. Emergency rules were introduced by government on 4 March 2021 in response to the COVID-19 pandemic. These rules gave HCPC, and other healthcare regulators, express provisions to hold a meeting or hearing fully by audio or video conferencing facilities.¹
2. Between 31 August 2021 and 23 November 2021 HCPC consulted on a proposal to seek an amendment to our legislation which would give us express powers to hold hearings remotely once the Coronavirus emergency powers come to an end.² Our existing legislation does not prohibit the use of remote hearings, but an express power would put remote hearings on a clear statutory footing.
3. We asked two substantive questions in the consultation:
 - a. We would like to amend our Rules so that we can continue to hold hearings remotely once the emergency period ends, where it is fair and practical to do so. Do you think there are any reasons why we should not be able to hold remote hearings once the emergency period ends?
 - b. Do you consider there are any equality and diversity implications for groups or individuals as a result of the proposed change to our Rules? If yes, please explain what could be done to change this.
4. We received 630 responses to the consultation (608 responses (96.5%)) were made by individuals and 22 (3.4%) were made on behalf of 20 separate organisations. Of the 608 individual responses, 560 (92.1%) were HCPC registered professionals.
5. Thirteen per cent of respondents indicated they did not see any reasons why we should not hold remote hearings, though some raised issues with how we might implement this approach. Respondents who were supportive of our proposal indicated that holding remote hearings could be appropriate in certain circumstances. The examples given were where a registrant has requested it, where it may reduce time and cost to the hearing parties, and where parties might find it less stressful to participate remotely as they can be in their home

¹ But note that the Health Professions Order 2001 and the HCPC's Procedural Rules do not prohibit the use of remote or hybrid hearings.

²Our Rules are made under the Health Professions Order (2001) and set out the detailed procedures and requirements for several key HCPC functions. On 4 March 2021 we were given emergency powers: The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021. The emergency powers are due to come to an end in September 2022.

environment, which could ease any anxiety and existing mental health conditions normally exacerbated by participating in a final hearing. Respondents also suggested that holding hearings in this way would minimise stress and delays if there was to be another lockdown.

6. However, the majority (86%) of respondents to the consultation indicated that there were reasons why we should not be able to hold remote hearings once the emergency period ends. The main reasons flagged in the responses were:
 - a. **the need to take account of registrant choice** – many respondents expressed a clear view that the HCPC should not enforce remote hearings where they were not wanted or were not strictly necessary.
 - b. **communication disadvantages linked to hearings being remote** – with respondents giving the view that in-person hearings allow for the registrant to better express compassion, empathy and sympathy.
 - c. **connection or technological issues** – registrants not having the technological knowledge to carry out a remote hearing, or them suffering from poor connectivity impacting on how registrants/others interact with the hearing.
 - d. **issues relating to registrant welfare** – registrants gave the example that remote hearings could worsen the impact on registrants' health, as an entirely remote process is a much more isolating experience and it could make it difficult for registrants to access emotional support.
 - e. **confidentiality issues and abuse of process** – some respondents raised concerns that holding hearings remotely may force some registrants to attend their hearing in a non-confidential place as they may not have access to a quiet and private space; others flagged that witnesses may be fed information off-camera, or that parties might be able to record hearings illegitimately.

7. In response to our second question, over two thirds of respondents (68%) said they thought our proposal could have implications for equality and diversity. The main reasons flagged in the response to this question related to:
 - a. **the socio-economic status of registrants** – respondents noted that those from low socio-economic backgrounds may not be able to fully participate in the hearing due to a lack of technology or necessary equipment, or an inappropriate home environment.
 - b. **disability** – respondents suggested that registrants with a variety of disabilities could be less able to access the support they would need, or would be less able to cope and engage with the process if their hearing took place remotely.
 - c. **mental health** – respondents suggested that registrants with certain mental health conditions could find it difficult to cope without the in-person support that a face-to-face hearing would offer.

- d. **language barriers** – respondents indicated that those who speak English as a second language may find remote hearings more of a disadvantage if they could not pick up on body language and non-verbal cues.
 - e. **age** – respondents flagged that older people may be generally less IT proficient, less confident, or less used to using programmes such as Zoom or Teams.
8. For further details of the consultation responses received, see our draft consultation analysis document at **Annex B**.
9. The responses to this question, together with other evidence, have fed into our Equalities Impact Assessment (EIA) – see **Annex C**. Consideration of the equalities impacts we have identified has informed this document.

Analysis

10. We must now consider the HCPC’s response to the issues raised in response to this consultation and in our EIA (**Annex C**). We set out a series of recommendations below for Council to decide upon.
11. The Department of Health and Social Care (DHSC) has advised that if we intend to seek an express power in our legislation which would allow us to hold remote hearings, then the legislative process would need to begin in June 2022 to ensure that the power was in place ahead of the removal of the emergency measures in September 2022.
12. Based on the feedback we have received, there are a number of areas for Council to consider and decide upon in terms of our approach:
- a. Whether we should seek an express power in our legislation to hold remote hearings post-pandemic
 - b. If we do intend to take this step, then how we would look to implement our long-term (rather than emergency) approach to remote hearings
 - c. Whether our approach should differ for different kinds of hearings
 - d. Whether we intend to commit to any monitoring of the approach once it is implemented, particularly given the concerns raised in response to the consultation.
13. This paper covers each of these areas in turn and makes a series of recommendations for Council’s approval.

Decision on whether to seek an express power in our legislation to enable us to hold remote hearings post-pandemic.

14. As set out above, and in the draft consultation analysis document, the majority of respondents to this consultation responded negatively to the first consultation question, and went on to give reasons why we should not hold remote

hearings. However, many responses we received conflated the issue of whether we should seek an express power to hold hearings remotely, with a decision that this is the approach we would take in all cases, which is not what was proposed in the consultation.

15. While 21 respondents did express a clear view that in all cases hearings should take place in person, 214 respondents suggested that the primary consideration of any decision around the format of the hearing (in-person or remote) should be registrant choice, allowing for remote hearings to be available as an option.
16. While many concerns were raised in response to the consultation around the potential negative impacts that remote hearings could have (outlined above), others provided more positive feedback. There are a range of positive impacts for the HCPC, for individual registrants, and for other parties that are worth bearing in mind when coming to a decision around whether or not we should seek an express power to hold remote hearings:
 - a. **Speed of process** – remote hearings can offer greater flexibility when listing hearings, which can speed up the listing process, which is of benefit to everyone involved in the case.
 - b. **Financial impact on attendees** – for in-person hearings, attendees are likely to incur travel costs, and, depending on the length of their hearing and their location, they may also have to stay somewhere overnight, for example where a hearing runs to more than one day. Being able to take part remotely is likely to reduce such costs.
 - c. **Economical use of time** – attendees may need to take time away from work, and from various personal commitments in order to attend a hearing. Being able to take part remotely may mitigate some of these impacts. Registrants and other attendees may also be self-employed, which could increase the impact of needing to attend a hearing in person.
 - d. **Increased engagement** – where hearings are held remotely, we have noted that there has been increased registrant attendance, particularly for review and Interim Order Applications and other one day hearings. Registrants might previously have been put off attending these hearings due to the cost of travel and other factors.
 - e. **Positive impacts for those with certain disabilities or mental health conditions** – some respondents noted that for certain individuals the ability to take part in a hearing remotely might be of benefit if it meant they did not need to travel, or were taking part in familiar surroundings or in a supportive environment that they might not experience in an in-person hearing.
 - f. **Registrant/hearing participant preference** – for some registrants/hearing participants, attending an in-person hearing might be daunting, time consuming or costly as set out above, and others

might simply be more comfortable operating in a remote environment and would prefer an in-person hearing, as it may reduce the stress they feel in taking part. Having the facility for remote hearings might therefore best meet the wishes of those registrants/hearing participants.

- g. **Environmental impacts** – running hearings remotely could also help to reduce their carbon and emissions footprint, as less/no travel would be required of attendees.

Our experience of running remote hearings

- 17. There were concerns raised in response to the consultation which suggested that holding remote hearings may result in an increase in more serious sanctions and less favourable outcomes for the registrant.
- 18. A combination of remote, in person and hybrid hearings³ have been held since March 2020, when Covid measures first came into place. We have reviewed the outcomes of all final hearings held within the 15 months since March 2020, and compared these outcomes with those from hearings held in the 15 months pre March 2020.

Table 1 A comparison of final hearing outcomes

Final hearing outcome	No. July 2020 – Dec 2021 Remote hearings only (including hybrid arrangements)	No. Sept 2018 – Feb 2020⁴ In-person hearings only⁵
Not well founded (all stages)	81	79
No Further Action	1	4
Caution	31	35
Conditions of Practice	25	28
Suspension	60	61
Strike Off	48	65
Total number of final hearings concluded	246	272

- 19. As can be seen from *Table 1* above, the outcomes from final hearings held within the two separate periods appear largely consistent across the different potential outcomes. The most noticeable difference between the outcomes for in-person and remote hearings appears to be in terms of strike-off, with a

³ A hybrid hearing is where some participants attend by telephone or video link, and other participants attend in person at a physical venue.

⁴ Hearings involving Social Workers who were registered with the HCPC at the time have been excluded from the figures in the table below.

⁵ To note, whilst in exceptional cases we might pre-pandemic have arrange for a witness to attend a hearing via video conference, this was unusual, and we wouldn't have classed this as being a hybrid hearing.

greater number occurring following in-person hearings. The difference though is not significant, given the number of cases involved.

20. We also have not received the level of challenge from registrants involved in remote hearings that we might have expected to receive, based on the consultation feedback. All registrants whose hearings have been listed remotely have been written to giving them notice of the intention for their hearing to be listed remotely, and each has had an opportunity to respond:
 - a. During the period which contained the strictest Covid lockdown measures – between May 2020 and May 2021 – we held 979 fitness to practise (FTP) hearings⁶ (of all types) and we received just 16 requests from registrants whose hearing was initially listed to take place remotely, asking us to consider an in-person hearing instead.
 - b. Even after Covid restrictions were eased/lifted – the period between June 2021 and March 2022 in which we held 794 FTP hearings - we only received 21 requests from registrants or their representatives for hearings to be listed in-person.⁷
21. This indicates that some of the concerns raised in response to the consultation are not borne out in practice, as many registrants appear to have been content for their hearings to take place remotely. There have been no procedural concerns raised and no appeals of final hearings decisions by registrants or the Professional Standards Authority where the type of hearing was a factor.
22. As set out above, there are a number of benefits relating to an express power to hold remote hearings, both for registrants and for the HCPC. This was recognised in the feedback received to the consultation, alongside concerns raised by many respondents. For example, respondents noted that enabling remote hearings to take place in the long-term would allow registrants and other parties to mitigate many difficulties they may face in attending a hearing; that it could, for certain individuals, lower anxieties and stress associated with attending a hearing in person; that it should also reduce costs for registrants and potentially for the HCPC⁸; and that it should allow for hearings to be held in a quicker and more dynamic way, speeding up the FTP process, which is of benefit to all.
23. We also recognise the potential positive equality impacts of a remote hearings approach which were identified through the consultation. For example, registrants with certain disabilities may find it easier to take part in their

⁶ This covers all kinds of FTP hearings – final (substantive hearings), substantive review hearings, interim order hearings, interim order review hearings, preliminary hearings, consensual disposal cases, restoration cases.

⁷ Ultimately we listed 23 hearings in person during this period, as we identified two cases where the circumstances of the case made them more appropriate to be held remotely.

⁸ Though, as set out above, many of the cost savings for the HCPC are offset by the fact that remote hearings take longer owing to the need for there to be a greater number of breaks, which leads to additional panel member costs.

hearings remotely in order to avoid long periods of travelling. Those with caring commitments, who often are women, may be able to avoid travelling and disrupting their responsibilities outside of work. Those on lower incomes could avoid the costs associated with travelling or staying overnight in order to attend a hearing that could be a considerable distance from their home and occur over a number of days. These considerations are detailed further in Annex C and have informed this paper.

24. We do not present analysis in this paper of the financial impacts on HCPC of holding hearings remotely compared to in-person. We consider that this decision should be made without regard to this factor, but with a focus on fair outcomes that support patient safety, the impacts on attendees and in consideration of the various factors discussed in this paper.
25. We therefore are recommending that we should take the step proposed in our consultation to seek an express power to hold remote hearings in our legislation.

Recommendation 1: we seek an express power in our legislation to enable us to hold remote hearings post pandemic.

How we propose to implement the decision:

26. Although we recommend seeking this power, given the nature of the responses we received to our consultation, it is clear there are a number of concerns for us to address. It is therefore important that we set out the approach we propose to take around implementation of remote hearings, and how we consider our approach will mitigate the concerns that have been raised with us.
27. At least some of the respondents to our consultation had understood that us seeking the power to hold remote hearings meant that we would list every hearing remotely, although this is not what we had intended or set out in our consultation. Therefore, if recommendation 1 is accepted, it will be important for us to outline in our consultation response documentation how we intend to implement the power to hold remote hearings, and what this means for registrants.
28. We have set out below our recommended approach to the different kinds of hearings in turn. This reflects the particular nature of different hearing types.

FTP Final hearings

Our approach under our emergency powers

29. We have so far been operating remote hearings in the context of a global pandemic, with legal restrictions and general nervousness and wider societal concerns relating to in-person gatherings. Our starting point has therefore been

to list final hearings remotely where it has been possible, fair and proportionate to do so.

30. Most final hearings that we have listed in this period have been found to be suitable to take place remotely. However, there are examples of cases where an in-person approach has been recommended upfront by the HCPC. This has occurred in relation to a small number of hearings. In-person hearing recommendations have, for example, arisen in sexual assault cases where witness evidence is particularly sensitive, and a remote hearing would not allow a witness to give evidence screened from view.
31. In addition, we have also looked to accommodate registrant requests where they have responded to a notice that their final hearing has been listed remotely and have made a request for that hearing to be held in person.
 - a. For the 16 hearings for which we received a request between May 2020 - May 2021, when Covid restrictions were at their most severe, we were able to accommodate 3 requests and held the hearings in person at a later date, when we were able to do so in compliance with government guidance at the time, or by way of hybrid arrangements.
 - b. Since June 2021, after Covid restrictions eased, we were able to be much more accommodating to registrant requests and made arrangements for 23 in-person / hybrid hearings to take place.⁹
32. We have also received requests from other parties, not just registrants, to hold a hearing in person, or for evidence to be given in person. For example, we recently received a request from a witness to give their evidence in person due to their cognitive issues and a preference to interact with the panel and parties in person. We have taken steps to consult with the registrant and with HCPC's solicitors with a view to implementing the best solution to accommodate this request.
33. As we move to implement a long-term approach to remote hearings, it is appropriate for us to reconsider our starting point and the basis on which a determination is made as to whether a hearing should be held in person or remotely, or whether a hybrid arrangement is workable.

Our recommended starting point and principles for decisions on whether final hearings should be held in-person or remotely as we move into the long-term.

34. As set out above, during the emergency period, we looked to implement remote hearings wherever possible, owing to the pandemic. However, as we return to

⁹ 21 of these were held in person following a request from a registrant / their representative; while 2 hearings were initially proposed to be held in person by the HCPC, taking into account the specific circumstances of the cases.

more normal ways of working, and the impacts of the pandemic are anticipated to continue to ease, we need to consider our long-term approach.

35. We recognise that final FTP hearings have a significant impact on registrants and others, such as witnesses, involved in the process. It is where findings of fact can be made against registrants, and where decisions will be made which could impact their future registration status. We recognise the higher levels of concern expressed in response to the consultation around final hearings and views expressed about the impacts on registrants, and on other parties.
36. In terms of starting point we have identified three options:
 - a. A starting point that all final hearings should be held remotely, unless there is evidence indicating this is not appropriate.
 - b. A starting point that all final hearings should be held in person, unless there is evidence indicating this is not appropriate.
 - c. A balanced starting point taking into account a number of different factors to be considered together to reach a decision on whether a hearing should take place in person or remotely.
37. In relation to the first option, many respondents to our consultation understood this to be what we were recommending, and objected strongly to the approach. Respondents cited the need to consider a registrant's preference, and raised various equalities issues as outlined in previous sections and our EIA. We are therefore not recommending this option in relation to final FTP hearings.
38. We also would not recommend the second option. We note the potential benefits to all parties in enabling a remote hearings system as outlined above and in the EIA, and consider that this option will set us back and lose some of the benefits that have come out of new ways of working started during the pandemic.
39. We therefore consider that the most appropriate approach in relation to final hearings is a balanced one, which allows us to consider a range of factors and come to a decision based on evidence about what would best suit all parties. The importance of final hearings to registrants should be borne in mind when reaching this decision.

Recommendation 2: In relation to determining whether final FTP hearings should take place in person or remotely, we recommend that the starting point should be for a balanced decision to be taken, weighing various factors relevant to the particular case.

40. If recommendation 2 is agreed, then we need to consider what the relevant factors are which should be taken into account.

41. Having considered the responses received to our consultation, we propose the following factors should guide a decision around whether a final hearing should be held remotely or in person. These factors cover many of the concerns raised by respondents to the consultation, and allow us to consider the equalities, personal, and logistical circumstances in relation to each case. The factors are not set out in a hierarchy, and each should be considered when coming to a final decision as to whether a hearing should be held in person, remotely, or by way of hybrid arrangements. The factors are as follows:
- a. **Any evidence that suggests the integrity, fairness or smooth running of the hearing may be impacted by holding it in a particular format;**
 - b. **Whether there are reasonable adjustments or special measures required to allow a participant to engage fully and effectively in the proceedings, which may benefit from the hearing being held in a particular format;**
 - c. **The view of the registrant;**
 - d. **Any technical, logistical, personal or circumstantial barriers that might prevent a participant engaging effectively in proceedings if the hearing is not held in a particular format;**
 - e. **Any features of the case which makes it particularly difficult for it to be held in a particular format.** For example, the number of participants or witnesses involved in the case.
42. This list is not exhaustive and each case will be considered on its own merits. We may also consider other reasonable factors when making a decision. As we learn from our experience in holding virtual hearings we will consider if we need to make changes to the above list of factors.
43. We consider that taking these factors into account on a case-by-case basis in relation to final FTP hearings will allow us to come to appropriate decisions in terms of the location of the hearing that ultimately best suit the registrant, the HCPC and other parties to the hearing.
44. As set out above, many of these factors were issues raised directly in response to the consultation. Considering each factor and any other reasonable factors ensures that we are responding to the concerns raised by consultation respondents. It allows us to consider individual registrant concerns, without having to apply a blanket rule which may actively disadvantage registrants and
45. other parties to the hearing.

Recommendation 3: We recommend that the above factors are taken into account when reaching a decision around whether a final FTP hearing should take place in person or remotely.

How will this approach be operationalised?

46. We think it will be helpful to outline in our decisions document the process by which a decision on whether a hearing should take place in person, remotely or by way of hybrid arrangements will be reached:
- a. The case will be reviewed by the Health and Care Professions Tribunal Service (HCPTS), who will consider the evidence the HCPC holds pertaining to each of the relevant factors.
 - b. The HCPTS will write to the registrant setting out the proposed means of holding the hearing, and will provide them with a form for them to complete inviting the registrant to provide their view on the type of hearing that should be held, as well as providing reasons/ factors/ evidence for the HCPC to consider where they do not agree with the recommendation.
 - c. If a registrant disagrees with the recommendation, the HCPTS will consider the information provided and what could be done in response. This might involve further correspondence with the registrant to consider any adaptations that could be made to the approach (e.g. a hybrid hearing) with the aim of both parties coming to an agreement on the best approach.
 - d. If an agreement cannot be reached on whether a final hearing should take place in person or remotely, then the matter will be referred to the panel Chair to make a final decision taking all evidence into account. We expect we will only need to revert to a panel Chair in exceptional circumstances.
 - e. The decision will need to be kept under review as the case progresses as witnesses and other parties might need adjustments which could impact on whether a case should be held in person or remotely, and these issues might only come to light as the case progresses.
47. This process is already in operation and is working successfully. In many cases where remote hearing arrangements have been recommended by the HCPC, a discussion with registrants who initially questioned the prospect of a remote hearing has addressed concerns. In others, reasonable adjustments and access arrangements have been made available to deal with concerns raised.
48. Where a remote hearing was considered to be an appropriate approach to the final hearing, we would work to facilitate this, in a similar way to how we would ensure appropriate facilitation for registrants for in-person hearings. So for example if a registrant raised issues with being able to attend a remote hearing because they did not have access to the technology they would need, or they

did not have access to a private place in which they could take part in a hearing, then we could look to see whether they could be provided with the relevant technology to take part in the hearing, or whether suitable hearing accommodation could be found local to them, negating the need for them to travel. Similarly, the issue raised by consultation respondents noting that some registrants may have a lack of knowledge on how to use the technology can be (and has been) addressed by the HCPC providing suitable guidance and support on the use of the technology in some cases.

49. We would like our approach to be responsive to the needs and preferences of registrants, and would look to accommodate registrant preference wherever possible, and to give this commitment to registrants. However, it may not be possible to accommodate every registrant request for an in-person, or remote, hearing. Questions could arise, for example, as a result of the availability of parties (registrant, witnesses, panel, HCPC), or the availability of hearing accommodation. Preference is a factor which we will take into account and balance alongside the other factors and circumstances which apply to their particular case.
50. In cases where agreement cannot be reached on the location of the hearing, the involvement of the panel Chair will be important so that the decision is taken, and is seen to be taken, independently. Clear guidance is already provided to support panel Chair decision-making, and we will review the guidance that is currently in place to ensure that it remains appropriate as we implement our decisions following the outcomes of this consultation.
51. Further information about our current process is set out in our [Remote Hearing Guidance](#) and also the [PSA guidance for regulators on fitness to practice hearings during the Covid-19 pandemic](#).

Recommendation 4: We outline the approach that will be taken to determining whether a hearing should be in person or remote in our decisions document.

Other kinds of FTP hearings

52. We have focused above on final FTP hearings, where much of the feedback received to the consultation was focussed. It is also important to separately reflect on the other kinds of hearings that take place as part of the FTP process. The legislative change, if implemented, would allow us to hold remote hearings for all of our FTP hearings, and so we need to consider whether we take the same approach for these as for final hearings, or whether a different starting point may be appropriate.
53. The table below sets out the different kinds of hearings that can take place within the FTP process.

Table 2 – FTP hearings a comparison in terms of typical length and purpose

Hearing type	Typical Length ¹⁰	Purpose
Final (substantive) hearing	4 days	<p>Hearing that concludes a fitness to practice investigation to determine whether a registrant's FTP is impaired, and if so what sanction should be imposed.</p> <p>Witnesses may be called to give evidence. Registrant and/or their representative may attend and may give evidence and/or make representations to the panel.</p>
Substantive review hearing	1 day	<p>Hearing to review a suspension or conditions of practice order imposed at a final hearing.</p> <p>A substantive review hearing must take place before the order expires otherwise the HCPC will lose jurisdiction of the matter.</p> <p>No witnesses are called. Registrant and/or their representative may attend and make representations to the panel.</p>
Interim Order hearing	1 day	<p>Risk assessment conducted by a panel to determine whether interim measures need to be imposed to restrict or prevent a registrant from practising whilst an FTP investigation is carried out.</p> <p>Hearing is convened at short notice due to urgency (usually within 16 days of the decision being made to apply for an Interim Order).</p> <p>No witnesses are called. Registrant and/or their representative may attend and make representations to the panel.</p>
Interim Order Review hearing	1 day	<p>Hearing to review an interim suspension or conditions of practice order imposed at an Interim Order hearing.</p> <p>Review hearing must take place at regular intervals during the order.</p>

¹⁰ Hearings can vary in length and complexity. These figures are estimated based on data we have collected relating to actual hearing times.

		No witnesses are called. Registrant and/or their representative may attend and make representations to the panel.
Preliminary hearing	1 day	Case management hearing to ask a panel to make directions prior to a substantive hearing or review hearing, amend allegations or admit evidence. No witnesses are called. Registrant and/or their representative may attend and make representations to the panel.
Consensual disposal cases	1 day	A final panel decision is required on any case we want to resolve by consent with the registrant. This includes voluntary removal, discontinuance of the case or consent to a sanction. No witnesses are called. Registrant and/or their representative may attend and make representations to the panel.
Restoration cases	1 day	Registrant may apply to be restored to the Register a minimum of 5 years after they were struck off the register. No witnesses are called. Registrant and/or their representative may attend and make representations to the panel.

54. Generally, as can be seen from the table above, final hearings are longer, and have a greater impact on registrants as witnesses can be called, findings of fact made, and final sanctions imposed. Other kinds of FTP hearings typically tend to last less than a day. Since the introduction of our emergency power to hold remote hearings, we have in almost all¹¹ cases held hearings (other than final FTP hearings) remotely.

55. There are some types of hearings, which in particular benefit from being held remotely. For example, Interim Order hearings need to be convened at short notice due to urgency (usually within 16 days of the decision being made to apply for an Interim Order). Accommodating these remotely not only supports public safety by allowing hearings to be convened quickly, but also increases the accessibility of these hearings for registrants, who might otherwise be unable to attend, given the short notice nature of them. Interim Order Review hearings and Substantive Review hearings also have particular timetables which attach to them, and it has proven much easier to accommodate these hearings at a time convenient to more parties by holding them remotely.

56. Holding hearings other than final hearings remotely has seemed to meet with the approval of registrants, as it has saved on the costs of physically attending

¹¹ We have recently held a very small number of Interim Order and Review hearings in person.

multiple hearings each of which may only be a few hours long. We have also noticed that registrant engagement has increased since these hearings have been held remotely, as attending remotely has been less burdensome than traveling to an in-person hearing.

57. We therefore consider that our starting point for FTP hearings other than final hearings should be that they are held remotely, unless there is evidence that supports an alternative approach.
58. We would still give registrants and other parties the opportunity to provide evidence as to why we should consider holding any of these hearings in person or by way of hybrid arrangements, as we do in the case of final hearings. If there is evidence that supports an alternative approach, this evidence would be considered by the HCPTS scheduling officer, and potentially the independent panel chair if agreement cannot be reached between the parties. Following Council's decision on this matter, it will be important to make our starting point and expectation clear to registrants so that our approach is as transparent as possible.

Recommendation 5: For FTP hearings other than final hearings, the starting point is that they should be held remotely, unless evidence suggests a hybrid approach/in-person hearing is more appropriate.

Registration appeals/hearings

59. We have concentrated above on FTP hearings, but the power to hold hearings remotely will also apply to registration appeals hearings.
60. There are a number of different appeals that can be made to the Council against decisions taken by the Education and Training Committee to:
 - a. Refuse admission, readmission, renewal or additional register entry
 - b. Impose conditions on admission or readmission
 - c. Revoke registration for breach of indemnity requirements
 - d. Revoke registration for CPD or a return to practice breach
61. Appeals may also be made against a failure to make a decision within the statutory deadline.
62. Prior to the Covid-19 pandemic, all registration hearings took place in person. Following the introduction of the emergency powers all registration hearings have taken place remotely.
63. We did not receive any feedback to our consultation that was specific to registration appeals hearings. However, we recognise that some respondents'

views may have applied across all hearing types and so we are considering our approach to registration hearings taking those views into account.

64. We estimate that we receive around 50 registration appeals each year, and that 10% of the registration appeals we receive are ultimately dealt with by consent, meaning that a hearing does not take place.
65. Around 80% of the registration appeals we receive are from overseas applicants, who prior to the introduction of the emergency power to hold remote hearings would have needed to travel internationally in order to attend an appeal. For overseas applicants, we recognise the very real benefits to them in terms of their appeals being dealt with remotely. It avoids the need for them to travel overseas to attend the hearing, saving a great deal of time and expense.
66. We have also noticed an improvement in the timeframes in which registration appeals are able to be heard. Scheduling in-person hearings was always challenging, particularly for overseas applicants who had to arrange long-distance travel which often led to significant delays.
67. Based on the profile of the appeals cases we generally receive, we consider that our starting point for registration appeals hearings should be that they are held remotely unless there is evidence that supports an alternative approach.
68. We would still give appellants the opportunity to provide evidence as to why we should consider holding any of these hearings in person or by way of hybrid arrangements, as we are proposing in relation to FTP hearings.

Recommendation 6: For registration hearings, the starting point is that they should be held remotely, unless evidence suggests a hybrid approach/in-person hearing is more appropriate.

Monitoring over time

69. We recognise that we are moving into new territory with implementation of remote hearings as part of our ordinary ways of working, and that the outcomes we have seen so far may change over time. It will be important that we commit to monitoring the impact of our decisions over time, and reflect on whether the approach we have set out here remains fit for purpose. We will collect and review data which will allow us to reflect on outcomes and equalities impacts, and consider how to effectively respond to any challenges presented by the arrangements we implement.
70. A new approach will need time to embed to ensure that outcomes from monitoring are representative and useful. We would, therefore, recommend commencing a review following a year of implementing any new approach.

Recommendation 7: We commit to monitoring the impact of our decisions around remote hearings after it has embedded to ensure there are no unforeseen issues which need to be addressed through a change in approach.

Next Steps

71. We will look to draft the decisions section of the consultation outcomes document based on the decisions taken at this Council meeting, and we will seek a legal review of the final documents ahead of publication. We would recommend that final approval of the consultation documents is delegated to the Chief Executive in consultation with the Chair.
72. Colleagues from across Policy, Communications and Fitness to Practise teams will also work closely together to implement an effective communications and engagement plan including information and guidance to registrants and parties involved in FTP and Registration hearings, and engagement with legal representatives, professional bodies and other key stakeholders.
73. We will also engage with the DHSC in relation to any necessary legislative amendments.
74. We will continue to monitor any equalities impacts as set out in EIA (**Annex C**).

Recommendation 8: Approval of consultation outcomes documents delegated to the Chief Executive in consultation with the Chair.

Annex B

Consultation on permanent changes to our Rules to hold remote Health and Care Professions Tribunal Service hearings

Analysis of responses to the consultation on remote hearings and our decisions as a result.

Contents

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1. Introduction

About the consultation

- 1.1 Emergency rules were introduced by government on 4 March 2021 in response to the COVID-19 pandemic. These rules gave HCPC, and other healthcare regulators, express provisions to hold a meeting or hearing fully by audio or video conferencing facilities.¹
- 1.2 Between 31 August 2021 and 23 November 2021 we consulted on a proposal to seek an amendment to our legislation which would give us express powers to hold hearings remotely once the Coronavirus emergency powers come to an end.²
- 1.3 We informed a range of stakeholders about the consultation including professional bodies, employers, and education and training providers. We also advertised the consultation on our website and on social media, and we issued a press release.
- 1.4 We received a high volume of responses to our consultation, and we would like to thank all those who took the time to respond. You can download the consultation document from our website: www.hcpc-uk.org/aboutus/consultations/closed.

About us

- 1.5 The Health and Care Professions Council (HCPC) is a statutory regulator of healthcare and psychological professions governed by the Health Professions Order 2001. We maintain a Register of professionals, set standards for entry to our Register, approve education and training programmes for registration and deal with concerns where a professional may not be fit to practise. Our role is to protect the public.
- 1.6 We regulate the members of 15 professions:
 - Arts therapists
 - Biomedical scientists
 - Chiropodists / podiatrists
 - Clinical scientists
 - Dietitians

¹ But note that the Health Professions Order 2001 and the HCPC's Procedural Rules do not prohibit the use of remote or hybrid hearings.

²Our Rules are made under the Health Professions Order (2001) and set out the detailed procedures and requirements for several key HCPC functions. On 4 March 2021 we were given emergency powers: The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021.

- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Speech and language therapists

About this document

1.7 This document summarises the responses we received to our consultation on remote hearings and our decisions as a result.

- Section two explains how we handled and analysed the responses we received, providing overall statistics relating to the responses.
- Section three provides a summary of the responses we received.
- Section four provides a thematic summary and outlines the general comments we received on the draft guidance document.
- Section five outlines the decisions we have taken and how we have responded to the consultation feedback we received.
- Section six lists the organisations which responded to the consultation.

2. Analysing your responses

- 2.1 We have analysed all of the written and survey responses we received in response to our consultation.

Method of recording and analysis

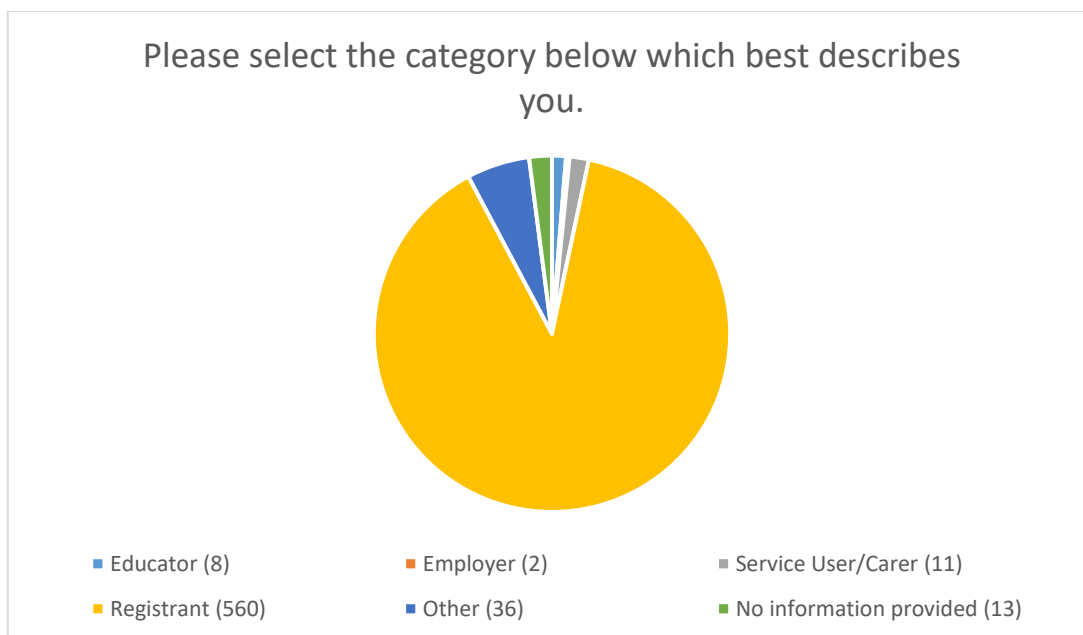
- 2.2 The majority of respondents used our online survey tool to respond to the consultation. They self-selected whether their response was an individual or an organisation response, and, where answered, selected their response to each question (e.g. 'yes', 'no', or 'don't know').
- 2.3 Where we received responses by email, we recorded each response in a similar manner as those from the online survey.
- 2.4 When deciding what information to include in this document, we assessed the frequency of the comments made and identified themes. This document summarises the common themes across all responses and indicates the frequency of arguments and comments made by respondents.

Quantitative analysis

- 2.5 We received 630 responses to the consultation. 608 responses (96.5%) were made by individuals and 22 (3.4%) were made on behalf of 20 separate organisations. Of the 608 individual responses, 560 (92.1%) were HCPC registered professionals.

Graph 1 – Breakdown of individual respondents

Respondents were asked to select the category that best described them. The respondents who selected 'other' identified themselves as representing unions, law firms, professional bodies, other government/NHS bodies, another regulator, students/pre-registration health care professionals on other registers (such as midwives), a Justice of the Peace, and a Panel Chair.



2.6 We asked three questions in our consultation. The first two questions related to our consultation proposal, and the third asked whether respondents found the online survey tool helpful in responding to the consultation. We have not provided details of the feedback received to question 3 in this analysis, as this question did not relate to the substantive consultation proposals. We do however wish to thank respondents for their feedback, and we will reflect on this for the purpose of future consultation activity.

Table 1 – Breakdown of responses by question – All responses [Percentages are rounded to nearest whole number so may exceed 100%]

	Yes	No	Don't know	No answer/Blank
Q1. We would like to amend our Rules so that we can continue to hold hearings remotely once the emergency period ends, where it is fair and practical to do so. Do you think there are any reasons why we should not be able to hold remote hearings once the emergency period ends?	542 (85%)	83 (13%)	10 (2%)	0

Q2. Do you consider there are any equality and diversity implications for groups or individuals as a result of the proposed change to our Rules? If yes, please explain what could be done to change this.	428 (68%)	85 (13%)	117 (19%)	0
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Table 2 – Breakdown of responses by respondent type³

	Individuals			Organisations		
	No	Yes	Don't know	No	Yes	Don't know
Q1	78 (13%)	525 (86%)	5 (1%)	5 (23%)	17 (77%)	0
Q2	83 (14%)	408 (69%)	117 (20%)	2 (9%)	20 (91%)	0

³ Percentages in the table have been rounded to the nearest whole number and therefore may not add up to 100 percent.

3. Summary of responses

- 3.1 Thirteen per cent of respondents indicated they did not see any reasons why we should not hold remote hearings after the emergency period ends, though some raised issues with how we might implement this approach. Respondents who were supportive of our proposal indicated that holding remote hearings could be appropriate in certain circumstances. The examples given were where a registrant has requested it, where it may reduce time and cost to the hearing parties, and where parties might find it less stressful to participate remotely as they can be in their home environment, which could ease any anxiety and existing mental health conditions normally exacerbated by participating in a final hearing.
- 3.2 As set out above, the majority (85%) of respondents to the consultation indicated that there were reasons why we should not be able to hold remote hearings once the emergency period ends. The main reasons flagged in the responses were: the need to take account of registrant choice and not enforce remote hearings where they were not wanted or strictly necessary, communication disadvantages, connection or technological issues, and registrant welfare.
- 3.3 Many of the responses we received conflated the issue of whether we should seek an express power to hold hearings remotely with a decision that this is the approach we would take in all cases, which is not what was proposed in the consultation. The issue of registrant choice, flagged by many respondents who suggested there were reasons for us not to hold hearings remotely, indicated that remote hearings should at least be an option, even if not all registrants felt it was the right approach for their case.
- 3.4 Over two thirds of respondents (68%) said they thought the proposals could have implications for equality and diversity. The main reason flagged in the response to question 2 related to the socio-economic status of registrants, with respondents noting that those from lower socio-economic backgrounds may not be able to fully participate in the hearing due to a lack of technology or necessary equipment.

4. Thematic analysis of responses

- 4.1 This section provides an analysis of the responses we received, based on the common themes we identified.

Question 1: We would like to amend our Rules so that we can continue to hold hearings remotely once the emergency period ends, where it is fair and practical to do so. Do you think there are any reasons why we should not be able to hold remote hearings once the emergency period ends?

- 4.2 Many of the responses we received to this question appeared to conflate the issue of whether we should seek an express power to hold hearings remotely, with a decision that this is the approach we would take in all cases, which is not what was proposed in the consultation.
- 4.3 While 21 respondents did express a clear view that in all cases hearings should take place in person, 214 respondents suggested that the primary consideration of any decision around the format of the hearing (in-person or remote) should be registrant choice.
- 4.4 It was suggested by 23% of respondents that each case should be reviewed individually to assess whether a hearing should be held remotely or should be held remotely in agreement with the registrant. One respondent recommended that we should adopt a hybrid model of hearings whereby there could be a mix of face-to-face and remote events.

Respondents who answered 'no' (i.e. that there were no reasons why we should not be able to hold remote hearings once the emergency period ended) – 83 responses

- 4.5 Eleven respondents commented that they would be in favour of remote hearings as they would save time and resources and so be faster to organise. Respondents who expressed these views pointed out that this would have advantages to the registrant, as this approach would not prolong the hearing process and so could be fairer. It would also mean that witnesses would have some flexibility, particularly in instances where the order of parties or witnesses to be called to give evidence is changed with short notice.
- 4.6 Ten further responses highlighted the saving in transport costs and how a remote hearing would allow the registrant to be in a comfortable environment.
- 4.7 Five responses cited that remote hearings could actually be less stressful for the registrant, as they could allow the registrant to receive support at home and would reduce the impact of travel, cost and time.

- 4.8 One response highlighted that allowing the registrant to attend the hearing remotely would make the hearing less personal for the registrant as they would be behind a screen, which in turn may make the hearing less daunting.
- 4.9 One response made the argument that holding remote hearings may encourage a more diverse panel, as panel members who do not live in or around London would be able to participate.
- 4.10 One response referenced their own experiences in partaking in a remote hearing, stating that they did not feel as though being there in person would have had “any further benefit”.
- 4.11 Fifteen respondents who indicated their support for our proposal caveated their responses by saying they were only in favour of us continuing to hold hearings remotely online where it is fair, or that they were only in favour when all parties are in agreement and that in-person hearings should be the default position.
- 4.12 It appears that ten respondents may potentially have misinterpreted the question and selected ‘no’ by mistake because the further comments they made indicated that they were opposed to remote hearings. Their responses argued that hearings should be face-to-face as they felt that the pandemic was nearly over and we were nearing normality.

Key themes from respondents who answered ‘yes’ – 542 responses

Registrant Choice

- 4.13 The primary theme to emerge from this question, was a concern that remote hearings would be forced upon registrants. 200 (38%) respondents who answered ‘yes’ to this question made some reference to the need for registrant choice to be a determining factor in whether a hearing should be held remotely or not. These respondents reasoned that an individual’s livelihood can rely on the outcomes from these hearings, and that this made the issue of registrant choice particularly important.
- 4.14 21 respondents went further and called for in-person hearings to be the only approach, with some expressing the view that it would be unacceptable for the HCPC’s Rules to allow us to unilaterally decide to hold a remote hearing without a registrant’s consent. One response also made the suggestion that it should be possible for consent for the hearing to be held remotely to be withdrawn at any time.

Communication disadvantages

- 4.15 Many respondents (114 responses, 21.2%) gave reasons regarding remote hearings and the lack of context they allow in terms of body language, tone or

other verbal and non-verbal cues. Other responses (8 responses) highlighted the difficulty of not having a 360-degree view of the proceedings, with parties in the hearings reduced to the size of a “*postage stamp*”.

- 4.16 Overall, 24 responses emphasised the view that remote hearings mean explanations of events may not come across in the way they are intended and can be taken in the wrong context. 14 respondents gave the view that in-person hearings allow for the registrant to properly show compassion, empathy and sympathy.
- 4.17 Respondents also commented that it could be difficult to convey thoughts and feelings or be able to comment at the right time due to an individual’s technology or internet access which may have delays due to internet speed.
- 4.18 This view also extended to the role of witnesses. One respondent suggested that where a hearing is centred on very serious allegations, it could be important for the panel to be able to make a full observation of the demeanour of all parties in order to reach a conclusion on their credibility⁴.

Connection or technological issues

- 4.19 The next most prominent theme was that of connectivity or technological issues, with 76 responses (14.2%) who had answered ‘yes’ to question one making mention of it. Respondents commented that not all registrants will have the technological knowledge to carry out a remote hearing, which would leave them at a disadvantage during the hearing. Other respondents commented about the potential impact of poor internet connection or a lack of digital technology to facilitate the remote hearing.
- 4.20 Five respondents noted that slow internet speeds have previously meant registrants have had to turn their cameras off and interact with the hearing in an audio-only capacity which could put them at a disadvantage.
- 4.21 Two respondents suggested that registrants would need training in the software being used to run the hearings. It was suggested that this could be rectified by issuing guidance documents on how to set up for a remote hearing.

Registrant welfare

- 4.22 Another theme raised (with 62, 11.5%, ‘yes’ responses making mention of it) was that of registrant welfare. 16 responses highlighted that remote hearings could worsen the impact on registrants’ health, as an entirely remote process is a much more isolating experience and it could make it difficult for registrants to access emotional support.

⁴ We note that there is case law suggesting that demeanour unlikely to assist when assessing the reliability of a witness's evidence

- 4.23 There were comments that remote hearings could dehumanise a registrant subject to a fitness to practise case. One response felt that the approach of holding remote hearings paints the HCPC in a bad light and suggests we don't understand our impact on our registrant's health and wellbeing. Another respondent suggested that holding remote hearings would mean that the HCPC wouldn't be able to identify and refer people at risk of or with mental health conditions or anxieties that could be exacerbated by the hearings process and would not be able to offer in-person support.

An inappropriate medium

- 4.24 Of respondents who answered 'yes' to this question, 54 respondents (~10%) expressed the view that having such an important hearing in this way was inappropriate and was not in keeping with the high impact and significance of a hearing. Seven respondents argued that remote hearings do not give weight to the matter being considered and are impersonal for both registrants and witnesses. Three others said that it could make the tribunal more intimidating.

Potential disadvantages for the registrant

- 4.25 29 responses (5.4%) noted that studies on remote hearings have shown significant disadvantages by comparison to in-person hearings. One quoted Sir Keith Lindblom, Senior President of Tribunals for the Courts and Tribunals Judiciary: *"We must acknowledge that for many people and in many cases they are not going to provide the best form of hearing we can offer"*⁵.
- 4.26 15 respondents referenced there being data which suggested that remote hearings result in poorer outcomes for registrants and expressed concern we haven't analysed this over the past year. Some responses noted that the HCPC had not offered any evidence to support the proposal of continuing remote hearings.

Confidentiality issues and abuse of process

- 4.27 25 responses (4.6%) referenced concerns that holding hearings remotely may force some registrants to attend their hearing in a non-confidential place as they may not have access to a quiet and private space. This may lead to extra strain as they may not want their cohabitants or others to know about the fitness to practise process they are subject to.
- 4.28 Six respondents expressed concerns that holding a hearing in this way may also leave the process open to abuse, as witnesses may be able to be fed information from someone off screen, or that parties may be able to record the hearing without the agreement of the other parties.

⁵ <https://www.judiciary.uk/announcements/understanding-the-impact-of-covid-19-on-tribunal-hearings/>

Barriers to communication and support between registrant and representative

- 4.29 18 responses (3.4%) made mention of this theme, with concerns that remote hearings mean that a registrant cannot speak freely and openly with their legal representation. Respondents commented that this may mean that a registrant is disadvantaged during the hearing.

Cost saving for the HCPC

- 4.30 16 responses (2.9%) questioned whether holding hearings remotely would save the HCPC money and resources, and whether this cost saving would be reflected in the HCPC's fees.

Lack of benefits for the registrant

- 4.31 14 responses (2.6%) noted that the consultation references remote hearings being "fair and practical", but this was only set out in reference to the HCPC and not to a registrant undergoing a hearing. They also highlighted that no benefits to registrants have been put forward in the consultation.
- 4.32 One response highlighted that the consultation document references increased engagement with hearings but does not specify what this means and if it is positive or negative.

Question 2: Do you consider there are any equality and diversity implications for groups or individuals as a result of the proposed change to our Rules? If yes, please explain what could be done to change this.

Respondents who answered 'yes' – 428 responses

- 4.33 428 respondents answered 'yes' to this question. Some of the respondents who answered 'yes' to this question gave no further details (63 responses).
- 4.34 The main theme raised in the responses to this question related to technological issues including a lack of computer literacy and issues with computer and broadband speed, which may be impacted by a person's age and socio-economic circumstances.
- 4.35 Many respondents who answered 'yes' to this question did not provide suggestions for how concerns could be addressed. Most of those who did provide suggestions, recommended offering face-to-face hearings in order to avoid adverse implications on groups or individuals (12 responses). There were also suggestions around issuing guidance documents and technological improvements we could consider around remote hearings if they are to be held.

- 4.36 Two responses suggested that having a remote hearing may be advantageous for those with certain physical disabilities, or for those who live far from the hearings centre.

Technology

- 4.37 145 responses (34.6%) made mention of the theme of technology issues. These included some registrants not having access to a computer, webcam, or the correct equipment. They also made comments about broadband speed, and noted that should the hearing cut out, this could have a detrimental effect on the registrant with them missing parts of the hearing or being unable to respond correctly to other parties and meaningfully engage with the process.
- 4.38 The role of electronic bundles was also mentioned in the responses, as the size of them could impede a registrant's ability to quickly access them and cross reference during the hearing. One respondent suggested that this can significantly increase anxiety levels as well as delay the hearing due to time spent seeking assistance.
- 4.39 Three respondents suggested that we should provide certain technological equipment for registrants going through the hearings process. There were also suggestions around the provision of step-by-step guidance for those unfamiliar with the programmes used.

Disabilities

- 4.40 111 responses (26.5%) highlighted the issue of registrant health conditions and disabilities and how remote hearings may be a disadvantage. Respondents raised concerns that those with sensory impairment, for example a visual or hearing impairment, may need additional support and could potentially struggle remotely. Many of these responses highlighted that some registrants may have impairments that could make it difficult for them to use online meeting rooms, for example the ability to lip read may not be effectively carried out as the camera may not be at the right angle and framed without a delay on the voice and picture.
- 4.41 Other responses underlined how those with learning disabilities, dyslexia or dyspraxia, autism, ADHD and other neuro-divergent people could be negatively affected as they may take longer to process information, could need the information to be presented in a different way, or could need in-person discussions and specific environments to help them cope and engage with the process.
- 4.42 One response did note that those with disabilities may find having a remote hearing an advantage, as it would mitigate any travel difficulties that may otherwise be encountered.

Mental Health

- 4.43 The next most prominent theme (32 responses, 7.6%) was that of mental health and how the remote hearings process would potentially negatively impact this. Respondents raised concerns that registrants who have reported mental health conditions may find it difficult to cope without the in-person support that a face-to-face hearing may offer.

Home Environments

- 4.44 29 responses (6.9%) made specific reference to parents, people with other dependents or caring responsibilities, single parents, multigenerational households, and younger people (more likely to be renting and living in a shared space). 16 respondents suggested that people in such circumstances would be less likely to be able to access a quiet and confidential space and therefore potentially unable to meaningfully engage in the hearing. There was a concern from one respondent that people appearing distracted might also affect the attitude of the panel.

Cost and Socioeconomic Circumstances

- 4.45 This theme was cited in 26 responses (6.2%) with respondents suggesting that people from lower socioeconomic backgrounds were less likely to have access to good IT equipment or high-quality Wi-Fi/ internet. It was noted that if equipment needed to be purchased to access the hearing, this group was most likely to be negatively impacted. One respondent also linked this with the fact that female workers may be more likely to be less well paid and so could be disproportionately affected.
- 4.46 One respondent made the argument that a sizeable proportion of HCPC registrants under investigation may not have any form of representation during the FTP process – they may not have the financial means or legal knowledge to seek representation and so may be disadvantaged by a remote hearing.

Language Barriers

- 4.47 20 responses (4.7%) touched on this theme as a concern as those who speak English as a second language may find remote hearings more of a disadvantage if they could not pick up on body language and non-verbal cues.

Age

- 4.48 19 responses (4.5%) highlighted this theme, as older people may be generally less IT proficient, less confident or less used to using programmes such as Zoom or Teams. Other responses stated that younger people are more likely to be renting accommodation and therefore not have access to confidential private spaces for the remote hearing.

5. Our decisions

- 5.1 We have carefully considered all of the feedback we received to our consultation, including the equalities impacts identified, and have used this to inform the decisions that we have taken.
- 5.2 The following section sets out the decisions we have taken, and how we have responded to the feedback received

[SECTION TO BE ADDED FOLLOWING COUNCIL DECISION]

DRAFT-LEGALLY PRIVILEGED

6. List of respondents

Below is a list of all the organisations that responded to the consultation.

BLM Law

Brabners LLP

Chartered Society of Physiotherapy

HCPFC Fitness to Practise (FtP) Forum Representative Bodies

Health Education England

Kingsley Napley Law

London Ambulance Service

National Community Hearing Association (NCHA)

North West Ambulance Service NHS Trust

Nutribytes Ltd

Professional Standards Authority

Royal College of Occupational Therapists

Royal College of Podiatry

Support Medical Group

The College of Paramedics

The Office for the Chief Allied Health Professions Officer for NHS England and Improvement

UNISON

Unite the Union

Welsh Ambulance Service Trust

West Midlands Ambulance Service

Equality Impact Assessment (Level 2)

For background information on how to complete this form, read **Appendix 2**. Delete **guidance text** as you complete the form. Guidance text is suggested (not required) content.

Section 1: Project overview

Project title: Amendments to the Health and Care Professions Council Rules in relation to Remote Hearings

Name of assessor: Laura Coffey

Version: 2

What are the intended outcomes of this work?

The measures introduced by the UK Government and devolved administrations to respond to Coronavirus in March 2020 meant that HCPC could no longer continue to work in the same way as before the pandemic. We therefore had to adapt some aspects of our fitness to practice and registrations appeals processes, particularly those which had previously been dependent on staff, parties to a case or other stakeholders having a physical presence in our offices or hearings centres.

Our aim in making these changes was to ensure that we were able to continue to fulfil our statutory duty to protect the public, progress fitness to practise investigations and registration appeals without unnecessary delay and conclude hearings as efficiently and safely as possible. A major part of our pandemic response was the use of remote hearings to ensure fitness to practise and registrations appeals cases could be heard expeditiously.

While the HCPC's Procedural Rules¹ ("the Rules") and the Health Professions Order 2001 ("the Order"), do not prohibit the use of remote hearings, on 4 March 2021, the HCPC was granted an amendment to our Rules by the Department of Health and Social Care, which gave us the express provision to hold hearings remotely during an emergency². The amendments also included important provisions for giving notice around remote hearings. These Coronavirus emergency provisions are due to be removed in September 2022.

We would like to retain this express power to hold hearings remotely once the emergency period ends, where it is fair and appropriate to do so. We are therefore seeking a permanent amendment to our Rules to give us the express provision to conduct meetings and hearings remotely, using audio and/or video conferencing facilities.

¹ Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003, Health and Care Professions Council (Health Committee) (Procedure) Rules 2003 and the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003

² Our Rules are made under the Health Professions Order (2001) and set out the detailed procedures and requirements for several key HCPC functions. On 4 March 2021 we were given emergency powers: The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021.

Between 31 August 2021 and 23 November 2021 HCPC consulted on a proposal to seek an amendment to our legislation which would give us express powers to hold hearings remotely once the Coronavirus emergency powers come to an end.³

We asked two substantive questions in the consultation, the second of which specifically sought views on equality impacts of this proposal

1. We would like to amend our Rules so that we can continue to hold hearings remotely once the emergency period ends, where it is fair and practical to do so. Do you think there are any reasons why we should not be able to hold remote hearings once the emergency period ends?
2. Do you consider there are any equality and diversity implications for groups or individuals as a result of the proposed change to our Rules? If yes, please explain what could be done to change this.

Following consultation, in light of evidence gathered and analysis, we are recommending the following proposals for our approach to the format of hearings. These proposals seek to focus on fair outcomes that support patient safety and take account of the impact on those involved, including in relation to equality considerations. The proposals are that:

- a. We seek an express power in our legislation to enable us to hold remote hearings post pandemic.
- b. In relation to determining whether final fitness to practise (FTP) hearings should take place in person or remotely, we recommend that the starting point should be for a balanced decision to be taken, weighing various factors relevant to the particular case.
- c. We agree a series of factors/principles which will be taken into account when reaching a decision around whether a final FTP hearing should take place in person or remotely. This includes a factor considering whether there are reasonable adjustments or special measures required to allow a participant to engage fully and effectively in the proceedings which may benefit from the hearing being held in a particular format.
- d. We outline the approach that will be taken to determining whether a hearing should be in person or remote in our decisions document.
- e. For FTP hearings other than final hearings⁴, the starting point is that they should be held remotely, unless evidence suggests a hybrid approach/in person hearing is more appropriate (this decision will be based on the factors outlined in relation to final FTP hearings).
- f. For registration appeals hearings, the starting point is that they should be held remotely, unless evidence suggests a hybrid approach/in-person hearing is more appropriate (this decision will be based on the factors outlined in relation to final FTP hearings).
- g. We commit to monitoring the impact of our decisions around remote hearings after it has embedded to ensure there are no unforeseen issues which need to be addressed through a change in approach. This will include consideration of equalities impacts.

The proposed series of factors/principles that will be taken into account in decisions on the format of hearings are important to securing effective consideration of equality in the process. These factors are:

- a. Any evidence that suggests the integrity, fairness or smooth running of the hearing may be impacted by holding it in a particular format;

³Our Rules are made under the Health Professions Order (2001) and set out the detailed procedures and requirements for several key HCPC functions. On 4 March 2021 we were given emergency powers: The Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021. The emergency powers are due to come to an end in September 2022.

⁴This includes Substantive Review Hearings, Interim Order Hearings, Interim Order Review Hearings, Preliminary Hearings, Consensual Disposal Cases and Restoration Cases.

- b. Whether there are reasonable adjustments or special measures required to allow a participant to engage fully and effectively in the proceedings, which may benefit from the hearing being held in a particular format;
- c. The view of the registrant;
- d. Any technical, logistical, personal or circumstantial barriers that might prevent a participant engaging effectively in proceedings if the hearing is not held in a particular format;
- e. Any features of the case which makes it particularly difficult for it to be held in a particular format. For example, the number of participants or witnesses involved in the case.

Considerations relating to equality are inherent to these principles, for example, as part of evidence in relation to the fairness of the hearing (a); in relation to any reasonable adjustments or special measures (b); the view of the registrant (c); consideration of any potential barriers and (d) any features of the case.

The operationalisation of the proposed approach is such that registrants will have the opportunity to provide their view on the format of the hearing. This will provide important information to ensure a fair approach that considers relevant equality impacts in each individual case. Reasonable adjustments or special measures are also available to support witnesses to participate in a hearing, whether remotely or in-person.

Who will be affected?

- the public, including service users and health and care professionals and staff (e.g. as witnesses);
- registrants;
- HCPC employees and partners.

Section 2: Evidence and Engagement

Lack of data should not prevent a thorough EIA. Be proactive in seeking the information you need.

What evidence have you considered towards this impact assessment?

- 630 responses to 12-week public consultation.
- Analysis of consultation response, including registrant attendance rates at remote and in-person hearings;
- [PSA guidance for regulators on fitness to practice hearings during the Covid-19 pandemic](#);
- Court protocol and other judicial system documents on conducting remote hearings during the pandemic and case law;
- Feedback from stakeholder engagement including FTP Representative Bodies Forum;
- Feedback from HCPC panel members.

How have you engaged stakeholders in gathering or analysing this evidence?

- 630 stakeholder responses to 12-week public consultation on proposed changes to our Rules. 608 responses (96.5%) were from individuals and 22 (3.4%) from 20 organisations. Of the 608 individual responses, 560 (92.1%) were HCPC registered professionals;
- Meetings with other regulators to understand their approaches;
- Meetings with FTP Representative Bodies Forum.

Section 3: Analysis by equality group

The Equality and Human Rights Commission offers information on the [protected characteristics](#).

Describe any impact to groups or individuals with the protected characteristics listed below that might result from the proposed project. Draw upon evidence where relevant.

For all characteristics, consider **discrimination, victimisation, harassment and equality of opportunity** as well as issues highlighted in the guidance text.

Age (includes children, young people and older people)

Older people may be less likely to have access to the internet and as a result could be disadvantaged by holding remote hearings. Older people may also feel less confident in using the video conferencing software we use to undertake remote hearings, even if they did have internet access.

The use of remote hearings could therefore negatively impact on the ability of older people to participate fairly in the fitness to practice process.

It was also highlighted in the consultation response that younger people, or those who have just graduated, may also be disproportionately affected as they are more likely to live in rented or shared accommodation and so may not have access to a quiet appropriate place to have the hearing.

Age may also relate to disability (as set out below), as some older people may have health conditions which may be considered a disability. Disability considerations are set out in the section below.

The principles and processes set out in the proposal provide the opportunity for matters related to age to be raised as appropriate, and seek to ensure fairness, equity and the effective consideration of factors related to age in individual cases. We will continue to monitor the impact of remote hearings in relation to the protected characteristics.

Disability (includes physical and mental health conditions. Remember 'invisible disabilities')

The format of hearings (remote/hybrid and in-person) may impact participants. For example, people may be unable to access or use remote/hybrid technology due to disability or a health condition. Some may require the support of an advocate or support service such as a sign language interpreter. While such support would be available both remotely and in-person, participants who require the assistance of an interpreter may find a remote environment more challenging.

Some people may require significant adaptations to enable them access to either remote or in-person hearings.

Holding remote hearings may be beneficial for those with some physical disabilities, as it will prevent them potentially having to travel to the hearings centre. The format of a hearing could impact differently on people with different neurodivergences, such as ADHD or dyslexia.

Fitness to practise and Registration hearings can be stressful and create additional anxiety for those who have mental health conditions. Where a registrant or vulnerable witness is participating in a remote hearing from their own home or other site in isolation, they may not have access to support mechanisms and contacts they require. However, in some hearing

participants, remote or hybrid approaches could reduce stress and adverse effects from the hearing, as they may find participating remotely a less personal and intimidating experience and may have access to greater support.

The principles and processes set out in the proposal provide the opportunity for matters related to disability to be raised as appropriate, and seek to ensure fairness, equity and the effective consideration of factors related to age in individual cases. We will continue to monitor the impact of remote hearings in relation to the protected characteristics.

Gender reassignment (consider that individuals at different stages of transition may have different needs)

While no considerations relating to gender reassignment have been raised with us by stakeholders, there may be considerations related to the format of hearings that have not yet been identified, for example in relation to a participant who may be transitioning and may require additional support that can either be best supported remotely or in-person. Such considerations will be taken into account.

The principles and processes set out in the proposal provide the opportunity for matters related to gender reassignment to be raised as appropriate, and seek to ensure fairness, equity and the effective consideration of factors related to gender reassignment in individual cases. We will continue to monitor the impact of remote hearings in relation to the protected characteristics.

Marriage and civil partnerships (includes same-sex unions)

While no considerations relating to marriage and civil partnership have been raised with us by stakeholders or on further consideration, there may be considerations related to the format of hearings that have not yet been identified.

The principles and processes set out in the proposal provide the opportunity for matters related to marriage and civil partnerships to be raised as appropriate, and seek to ensure fairness, equity and the effective consideration of factors related to marriage and civil partnerships in individual cases. We will continue to monitor the impact of remote hearings and seek feedback in relation to the protected characteristics.

Pregnancy and maternity (includes people who are pregnant, expecting a baby, up to 26 weeks post-natal or are breastfeeding)

While no considerations relating to pregnancy and maternity have been raised with us by stakeholders or on further consideration, there may be considerations related to the format of hearings that have not yet been identified. For example, breastfeeding mothers may be better supported by joining a hearing remotely to facilitate feeding an infant or expressing milk. Another example could be that pregnant women may find remote hearings more accessible if travel is difficult due to morning sickness. HCPC takes, and will take, into consideration needs such as these when scheduling hearings, whether remote or in-person.

The principles and processes set out in the proposal provide the opportunity for matters related to pregnancy and maternity to be raised as appropriate, and seek to ensure fairness, equity and the effective consideration of factors related to gender reassignment in individual cases.

We will continue to monitor the impact of remote hearings in relation to the protected characteristics.

Race (includes nationality, citizenship, ethnic or national origins)

Some respondents identified this as an issue as some registrants who do not speak English as a first language may be disadvantaged by a remote hearing as they may find it more difficult to pick up on body language and non-verbal cues.

While support such as translation would be available both remotely and in-person, participants whose first language is not English and who require the assistance of a translator may find a remote environment more challenging.

Cases where this may be a relevant factor will need to be considered on an individual basis as appropriate to support an effective determination of the best format for a hearing. Registrants and other parties to the hearing would have access to the support and resources available whether the hearing was judged to be best held remotely or in person.

Registration appeal hearings tend to relate to international applications. As discussed in our analysis, attendance at these has increased since they have been held remotely as registrants can join without needing to travel to the UK. This is likely to have a positive impact on international registrants from ethnic minority backgrounds.

The principles and processes set out in the proposal provide the opportunity for matters related to race, including English language issues, to be raised as appropriate, and seek to ensure fairness, equity and the effective consideration of factors related to this characteristic in individual cases. We will continue to monitor the impact of remote hearings in relation to the protected characteristics.

Religion or belief (includes religious and philosophical beliefs, including lack of belief)

While no considerations relating to religion or belief have been raised with us by stakeholders, there may be considerations related to the format of hearings that have not yet been identified. For example, Muslims may have additional needs during the Ramadan fasting period that may be better met through either a remote or in-person hearing.

The principles and processes set out in the proposal provide the opportunity matters related to religion or belief to be raised as appropriate, and seek to ensure fairness, equity and the effective consideration of factors related to religion or belief in individual cases. We will continue to monitor the impact of remote hearings in relation to the protected characteristics.

Sex (includes men and women)

As set out in consultation analysis, FTP cases involving sexual misconduct may need specific additional support. For example, evidence may need to be given from behind a screen, additional personal support may be needed, or there may be a significant number of witnesses. Such needs may be best served in-person or remotely and are important to consider in any decision relating to the hearing format.

The principles and processes set out in the proposal provide the opportunity for matters related to sex to be raised as appropriate, and seek to ensure fairness, equity and the effective

consideration of factors related to sex in individual cases. We will continue to monitor the impact of remote hearings in relation to the protected characteristics.

Sexual orientation (includes heterosexual, lesbian, gay, bi-sexual, queer and other orientations)

While no considerations relating to sexual orientation have been raised with us by stakeholders or on further consideration, there may be considerations related to the format of hearings that have not yet been identified.

The principles and processes set out in the proposal provide the opportunity matters related to sexual orientation to be raised as appropriate, and seek to ensure fairness, equity and the effective consideration of factors related to sexual orientation in individual cases. We will continue to monitor the impact of remote hearings in relation to the protected characteristics.

Other identified groups

Participants in the FTP process or Registration hearings who are disadvantaged by their socio-economic status, residency status or area inequality are more likely to face barriers to accessing the technology required to participate in a virtual hearing.

Registrants or witnesses living in poor quality or high occupancy housing may not have access to privacy or the appropriate space required to participate fully in a remote hearing.

However, it is also worth noting that providing the option to hold a hearing online may bring benefits to some registrants. It may allow those further away from the hearing centre to participate in the hearing, which would save on costs for many as well as cut down on time travelling and attending the hearing in person, which could benefit those with caring responsibilities. In this sense it could help support our general equality duty to advance equality of opportunity as it would level the playing field for those who may struggle to meet the demands of attending an in-person hearing.

We will continue to monitor the impact of remote hearings in relation to these types of issues.

Four countries diversity

Our legislation requires us to hold hearings in the country of the UK in which the registrant resides. Conducting a remote hearing where the registrant is able to remain in their home country is compliant with this requirement.

Section 4: Welsh Language Scheme

How might this project engage our commitments under the Welsh Language Scheme?

To find information about our Welsh Language Scheme on our website, please see [here](#).

While these proposals do not directly engage our Welsh Language Scheme commitments, HCPC provides key public facing documents in Welsh and is able to translate information and guidance into Welsh on request, including information relating to our hearings. Registrants are able to request hearings in Welsh, whether they are held remotely/hybrid or in-person.

Section 5: Summary of Analysis

What is the overall impact of this work?

Potential negative impacts of remote/hybrid hearings (which can be potential positive impacts of in-person hearings) can be summarised as follows:

- Potential barriers to participating fully and fairly in hearings caused by lack of access to, or inability to use, email or remote hearing technology;
- Potential barriers to participating fully and fairly in hearings caused by inadequate accommodation or lack of privacy in which to undertake a remote hearing;
- Reduced ability to provide reasonable adjustments if these cannot be accommodated in soft copies of documents and correspondence sent by email, or in a remote environment;
- Impact on participants with mental health conditions, or who are vulnerable, who may find that undertaking a remote hearing from their home without access to the usual support services, isolating and stressful.

Potential positive impacts of remote/hybrid hearings (which can be potential negative impacts of in-person hearings) can be summarised as follows:

- Reduced costs to those who would have to travel to the hearings centre, as they would be able to participate fully in the hearing from their home. It may also be beneficial to those who find it difficult to take time off work as it would reduce the time spent travelling;
- People with certain disabilities may prefer participating in the hearing from their home as it reduces the stress, costs and difficulty they may experience from travelling to the hearing centre;
- Parties with caring responsibilities may find participating remotely beneficial, as it would reduce time taken away from their other responsibilities;
- Many parties may find participating in a hearing remotely beneficial to their mental health and wellbeing as the nature of the hearing can be seen as less invasive and intimidating;
- In the event of further emergency powers if there was another wave of Covid in the future, holding hearings remotely in this way would minimise stress and delays to proceedings. It may also be of benefit to those who are vulnerable, who may have disabilities, or who wish to start minimising contact again, for example, in winter months when Covid cases may rise.

While there are a number of potential negative equality impacts related to remote/hybrid hearings (and conversely potential positive equality impacts of in-person hearings), there are also a number of potential positive impacts of remote/hybrid hearings (and conversely potential negative equality impacts relating to in-person hearings).

This proposal enables us to continue to hold hearings both remotely and in-person. This allows us to use either, as appropriate to the case. Not having the ability to hold remote hearings would likely cause disadvantage for a number of groups who are positively impacted by remote hearings, particularly international applicants who are much more easily able to attend remote registration appeal hearings than in-person hearings and groups set out above. As set out in our analysis, consideration of the factors proposed above ensures that individuals' needs and circumstances can be, and indeed are at present, considered. Proposing a balanced starting point for final FTP hearings, weighing the advantages and risks relevant to the particular case, is an appropriate approach. The proposed starting point for other hearings (FTP hearings other than final hearings and registration appeals hearing), is that they should be held remotely, unless evidence suggests a hybrid approach/in person hearing is more appropriate. In each of these

cases, the decision will be based on the particular case and the factors/principles set out above. The principles and processes set out in the proposal provide the opportunity for matters related to any protected characteristic, to social mobility, and to individuals more widely, to be raised as appropriate, and seek to ensure fairness and equity in each individual case.

Section 6: Action plan

Summarise the key actions required to improve the project plan based on any gaps, challenges and opportunities you have identified through this assessment.

Include information about how you will monitor any impact on equality, diversity and inclusion.

Summary of action plan

The change to our Rules that we are seeking provides for clear new principles and processes for decision-making on the hearing format. These adapt, develop, learn from and build on ways of working that we introduced in response to the pandemic. Whilst we have not received any EDI concerns from participants in relation to remote hearings since we introduced them, we are mindful of the potential impacts. As well as implementing the proposals set out above, we are also taking the following actions to ensure barriers to access are reduced and that we can continue to support parties effectively throughout the FTP process:

- We have introduced pre-hearing case management conferences to identify any potential issues with participants' engagement in a remote hearing in advance, to allow sufficient time to resolve these.
- We have also introduced pre-hearing technical checks with registrants and witnesses to ensure they can access the technology and to familiarise parties with how a remote hearing will appear and operate;
- We have developed specific guidance for registrants and panel members on remote hearings. For the latter this includes guidance around ensuring the welfare of all participants during the hearing, including when handing down determinations to registrants. This guidance will be reviewed following Council's decision and any pursuant Rule change;
- Our Remote Hearings Guidance sets out how we will undertake such hearings, and includes specific guidance on hearing and witness management. The guidance has been reviewed frequently since we commenced remote hearings during the pandemic. This guidance will be reviewed following Council's decision and any pursuant Rule change;
- Our Tribunal space at our offices in Kennington has been adapted to allow us to carry out hybrid hearings. This is where some participants attend by telephone or video link, and other participants attend in person at a physical venue. This allows us to use the tribunal centre as a virtual hub for those witnesses or registrants who require additional support and/or do not have access to technology. We have already used a hybrid hearing format to support registrants who require the assistance of a translator or dyslexia advocate, for example.
- We have retained the facility to hold fully in-person hearings and continue to offer this hearing format in addition to fully remote and hybrid hearings. Where required to support a registrant to participate in a hearing of any type we have held hearings at a venue outside of our Tribunal space where that venue is closer to or otherwise better suited to a registrant's needs.

- We have always been able to use video conferencing facilities to allow a vulnerable person to attend an in-person hearing where it would not be appropriate for them to attend physically. This option will continue to be provided.
- We will continue to seek feedback on our hearings and will identify any trends or themes emerging that relate to EDI, and will review our processes accordingly.

Below, explain how the action plan you have formed meets our public sector equality duty.

How will the project eliminate discrimination, harassment and victimisation?

Our proposals seek to focus on fair outcomes that support patient safety and take account of the impact on those involved, including in relation to equality considerations. This may help to support the advancement of equality and reduce indirect discrimination, by providing a greater range of options for hearing formats. More detail on this is set out below.

How will the project advance equality of opportunity?

While concerns were raised in response to the consultation around the potential negative impacts that remote hearings could have, the proposals allow for the continuation of both remote and in-person hearings as appropriate, as set out above. This approach provides for a range of positive impacts for both the HCPC and other parties to hearings which may support equality of opportunity:

- The process and principles set out ensure that equality-related matters, as well as matters relating to other areas such as socio-economic circumstances or caring responsibilities, are factors that will be taken into account when determining the approach to a hearing format on a case-by-case basis.

The continuation of our ability to hold remote hearings provides access to the following benefits to advancing equality:

- Reduced travel and the resultant more economic use of time could benefit those with disabilities and those with caring responsibilities, as they would not have to factor in time and overcome barriers in travelling potentially long distances to the hearings centre. This could also benefit those who may be unable to take paid time off from work to attend a hearing remotely.
- Reduced financial impacts on parties attending would benefit all parties, but particularly those from a poorer socioeconomic background and those who live further away from the hearing centre, as they would not have to travel and potentially pay for an overnight stay near the hearing centre.
- Those with certain disabilities or mental health conditions may benefit if it meant they did not need to travel, or were taking part in familiar surroundings or in a supportive environment that they might not experience in an in-person hearing.

The continuation of our ability to hold remote hearings can offer more flexibility when listing hearings, which would speed up the process, which is of benefit to all parties.

In addition to the above, the continuation of our ability to hold in-person hearings supports access to those who may benefit from this hearing format.

How will the project promote good relations between groups?

The proposal is not likely to impact (either positively or negatively) on good relations between groups.



EDI should be an ongoing consideration throughout any project.

Where EDI issues are raised after this impact assessment and action plan have been agreed, you should make a note and update this document if necessary. Alternatively, you might choose to record changes using an EDI reflection form.

Any project identified as unlawfully discriminatory must not be progressed.

Reflection completed by: Laura Coffey

Date: 19/05/2022

Reflection approved by:

Date:

[To be added following Council decision]