

## **BULLET POINTS FOR PANELS - FULL HEARINGS OF THE CONDUCT AND COMPETENCE COMMITTEE/HEALTH COMMITTEE**

Prior to the hearing starting, you may wish to invite the legal assessor to provide clarification on certain matters

### **DURING THE HEARING**

- The case will be announced by the hearing officer and all parties will be asked to introduce themselves (including the legal assessor)
- Proof of service of documents where necessary will be proved by the hearing officer
- The Solicitor appearing on behalf of Council will open Council's case and call any witnesses where necessary, the registrant (if attending will have an opportunity to cross-examine the witnesses and the solicitor will then re-examine the witness)
- The Committee can also ask questions
- You can allow hearsay evidence, as HPC cases proceed on the civil rules of evidence, but attach the appropriate weight to it when making your deliberations
- The Council have to prove their case
- The registrant may then present their case
- The Legal assessor provides advice on law and procedure to the whole of the proceedings, and when asked for advice, this advice will be given in open session to the whole of the hearing
- Applications can be made for the case to be heard in private session, if the panel grant this application, the panel have to return to open session to announce their finding and decision in the case

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### **IS THE CASE WELL FOUNDED?**

- The panel will retire to consider whether the allegation is well founded. If the panel find the case to be well founded they should state the reasons why they found the case to be well founded. The terminology the HPC uses is not "guilty or not guilty", but well founded or not well founded. The panel should also state their reasons for findings of fact.
- Having made their decision, the panel should invite the legal assessor to assist them with their drafting. The hearing officer can type the finding.
- The panel should then return to announce their decision and then hear mitigation(where appropriate) as to sanction

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### **SANCTION**

- The legal assessor will advise you of your options with regards to Sanction
- You should then retire to consider sanctions and again state the reason for considering a particular sanction to be appropriate - keeping in mind the appropriate sanction for public protection.
- When deciding on a sanction you should articulate in your reasons, the date when the sanction will apply. In cases where a suspension or COP is imposed, you should state the date of review of the sanction
- You should also advise of a right to appeal where necessary
- Again use the Legal Assessor in your drafting.