



REMOTE HEARINGS
A GUIDE FOR WITNESSES
November 2020

This guide introduces you to remote hearings and how we run them. Please read it carefully before your first remote hearing.

1. Your role as a witness

Witnesses are vital to the regulation of the profession. You provide the evidence that allows fitness to practise hearings to be resolved fairly, and this guidance will help you give the best evidence possible.

It is crucial that you follow certain procedural requirements, which are designed to ensure that hearings are conducted fairly. As a witness, you must:

1. **Never** discuss your evidence with **anyone** by any means before the hearing, or during breaks. You may discuss your evidence only after the Committee has stood you down once you have finished giving evidence, and even then, you must not speak about the case to witnesses who have not yet given their evidence.
2. **Never** conduct your own research into any part of the case in which you are giving evidence.
3. **Never** consult documents or websites during the hearing. The only exception is if you have been expressly asked to consult a certain document or website by a party, their legal representative, or the Committee.
4. **Never** film, audio record, photograph or screenshot any part of the hearing.
5. **Never** share on **any** social media platform (including Twitter, Facebook and LinkedIn) information about the hearing, even after you have been stood down, until after the hearing has concluded.
6. **Never** speak to the press about the case before its conclusion. Even after the hearing concludes, you should consider taking advice from the GOC or your professional or representative body before speaking to the press about the case.
7. **Never** give evidence from a place where someone else is present, or can hear you, unless you have advance permission from the GOC or the Committee.

No-one will actively monitor your compliance with these requirements. You will be trusted to follow them either as a matter of principle, or if you are a registrant, as part of your professional duties. If it comes to light that you have breached a requirement, then your evidence may be excluded from the case, and you could be subject to disciplinary action.

We do understand that mistakes can happen, for example someone could approach you and tell you something about the case. If this happens, then you must immediately inform the Committee or the Hearings Officer. The Committee will then be in the best possible position to address the issue and maintain the fairness of the hearing. You will not be criticised for an accidental breach provided that you report to us at the earliest opportunity.

You may be asked to confirm that you understand the above requirements, and that you will follow them.

2. Introduction

2.1. What is a remote hearing?

A remote hearing is one where all of the hearing takes place by video/audio link;

2.2. What is a hybrid hearing?

A hybrid hearing is one where one or more of the parties to the hearing are physically present at the hearing venue for one or more of the hearing days with the remainder attending remotely;

2.3. What is a physical hearing?

A physical hearing is one where all the hearing takes place at a physical location.

2.4. How will I participate?

As a remote witness you will need a computer, tablet, smartphone or other device and a secure internet connection to participate by videoconference. We will ask you to use Microsoft Teams: this application allows you to see and hear other participants and allows them to see and hear you. You can find more information on Microsoft Teams in our document 'Guide to Microsoft Teams', which we can send to you on request.

You will need a telephone to participate by telephone conference: you will only be able to hear and be heard by other participants.

In both cases, the Hearings Officer will let you know how and when to join.

2.5. Test Call

The Hearings Officer will invite you to a test call in order to test the video and/or telephone conference facilities and address any issues in advance of the hearing.

The Hearings Officer will explain what you should expect at the hearing and will answer any procedural questions you may have.

The person who asked you to give evidence, or their representative, may also contact you separately about a test call to introduce themselves to you.

3. The remote hearing

3.1. Before the remote hearing

Giving evidence can seem daunting but there are ways you can prepare yourself.

- Ensure you have all the support you need:
 - Speak to the person who asked you to give evidence and highlight if you will need additional support or reasonable adjustments while giving evidence
 - Arrange a test call with the Hearings Officer if you have not been contacted about this (see previous section)
 - Consider arranging to speak to a friend, colleague or your professional or representative body after you have finished giving your evidence, if you think you may need such support
- Check the following with the person who asked you to give evidence:

- Date and start time of hearing
- Documents you may need during the hearing
- Arrangements for any additional support you have requested
- Ensure, ideally the day before the hearing, that you have everything you need including:
 - Your witness statement and exhibits
 - A glass of water
 - A private area, where you will be free from interruption (tell anyone you live with, that you will be giving evidence and must not be disturbed)
 - A fully charged device with secure internet connection
 - If possible, a second device for reading any papers you are directed to at the hearing (while you join the hearing from another device)
 - Earphones or headset with microphone. Even smartphone earphones can make the audio much clearer

3.2. Microsoft Teams

The Hearings Officer will email you an invitation with details on how to access the hearing through Microsoft Teams.

We recommend you download the Microsoft Teams application onto your device rather than using a web version. It can be downloaded to your phone, tablet or computer from <https://www.microsoft.com/en-gb/microsoft-365/microsoft-teams/download-app>

We may ask you to give evidence by telephone if there are technical difficulties.

3.3. Joining the hearing

The Hearings Officer will co-ordinate the hearing and will be your first point of contact during the hearing. They will contact you by telephone and/or email, so you should have access to your telephone and email throughout the hearing.

You will be sent the joining instructions just before you are due to give your evidence. When it is your turn to give evidence, the Hearings Officer will ask you to join the remote hearing. Please be ready to join at short notice during the window of time given to you.

Upon entering the remote hearing, you will be asked to wait in a remote lobby. When the Committee is ready to hear your evidence, the Hearings Officer will admit you into the remote hearing room.

Upon being admitted into the hearing room, you may see up to nine people on the screen. These will include up to five Committee members, the Committee's legal adviser, the legal representatives for both parties, and the registrant. There will also be a transcriber, and there may be members of the public or press present, but these will not be seen or heard. If the public or press are present, the Committee Chair will inform you of this before you give evidence.

Your presence will be confirmed upon entry, and the Chair will introduce everyone who is present at the hearing.

The Hearings Officer will ask you to take an oath or make an affirmation.

- **Oath**

An oath is a verbal promise to tell the truth made whilst holding a holy book such as the Bible, Qu'ran or Torah. You will need to have the relevant holy book with you if you wish to take an oath.

- **Affirmation**

An affirmation is a verbal, solemn and formal declaration to tell the truth. An affirmation has the same effect as an oath but does not use a holy book. You can make an affirmation if you do not have a holy book.

3.4. During your evidence

You will be asked to confirm your identity for the transcript.

First the party who asked your attendance will ask you questions, and then you may be questioned by the other party or by their representative. Finally, the Committee and the Committee's legal adviser may have questions for you.

If there is a break during your evidence, you will remain under oath, and should not speak to anyone about your evidence or the progress of the hearing during that time. You will be invited to re-enter the hearing when it reconvenes.

- You **should** take your time to consider the questions before answering.
- You **should** ask for a question to be repeated, for example if it is unclear.
- You **should** try to speak slowly and clearly, so that everyone can hear you.
- You **should** be assured that no-one will be trying to catch you out. The Committee will allow only ask questions that relate to your evidence and the case.
- You **can** ask the Chair if you need a break while giving evidence.
- You **must not** access any document, either physically or remotely, while you are giving evidence, other than any documents to which you are directed by the person questioning you. The person asking you questions, or the Committee itself, will ensure that you have access to the correct documents.
- You **must not** communicate in any way, including electronically, with anyone outside of the hearing, while you are giving evidence.
- You **must not** discuss your evidence or the progress of the hearing with anyone during a break, including an overnight break, while you are giving evidence. It is particularly important not to discuss your evidence or the progress of the hearing with any legal representative, the registrant or another witness, or any relative or friend who is supporting you.

3.5. After your evidence

After you have answered all questions put to you, you will be thanked for your attendance and the Committee will stand you down from giving further evidence. You may then remain in the remote hearing room as an observer (subject to space) or you may leave, whichever you prefer.

Please note that transcripts of hearings are made available to the public (unless the hearing is held in private). Your name will not appear in any transcript.

4. Remote hearing tips

- Please follow the instructions given by the Hearings Officer or the Chair. It is their role to ensure that the remote hearing runs smoothly for you and everyone else.
- Please mute yourself when you are not answering questions and remember to unmute yourself when you need to speak.
- Please ensure that your camera is on a stable surface and is turned on, and that your face is well lit.
- Please remember that this is a public hearing: dress appropriately (as if you were attending a hearing in person) and be aware that any items in the background can be seen by others.
- If you refer to a document, please give the page number to help others find it.
- Please don't worry if your connection drops: the Hearings Officer will ask everyone to pause until you return, and you can re-join using the same link.
- If you experience technical issues, please inform the Hearings Officer, and we will do our best to resolve these.
- If you need a break, please ask the Chair. We know it can be tiring to give evidence, and the Chair will arrange breaks at suitable times.
- Please put your telephone on silent during the hearing.

5. Supporting witnesses

The Hearings Officer is available to support you by answering any questions you have about how the remote hearing will run, and they should be your first point of contact. Please contact the Hearings Officer if you have any questions.

We expect the Chair to make sure that everyone can fully participate, including by arranging appropriate breaks, and to ensure an inclusive and respectful environment during the hearing. We also expect the Chair to manage the questioning of witnesses, for example by intervening if a question is inappropriate, vague, irrelevant, misleading or unfair, and to explain any intervention.

The Hearings Officer may remove anyone from the remote hearing whom the Committee deems to be disruptive. This is done only if absolutely necessary.

We will try to provide any further assistance you may need. If you have any specific needs relating to your ability to fully participate in a remote hearing, please let us know so that we can try to address these before the hearing.

5.1. Contact us

We hope this guide has answered many of your questions. We are happy to speak to you in more detail about attending a remote hearing, but we cannot discuss the case or your evidence.

If you have any further questions about your role as witness, please contact the Hearings Officer at Hearings@optical.org.

There is further [information for witnesses](#) on GOC hearings at our website.