**Fitness to Practise Committee**

**Hearings Listing Protocol**

This protocol will come into effect from XX November 2019

**Principles**

When listing cases for hearings before the Fitness to Practise Committee (FTPC), the GOC will place at the forefront of its process its over-arching objective as set out in the Opticians Act 1989 (as amended) , namely the protection of the public.

In seeking to meet its over-arching objective, the GOC is committed to the management of cases through to final FTPC decision as efficiently as possible.

The GOC will apply the following principles when listing cases:

**Interim Orders**

* For new applications, a hearing cannot take place less than than seven days after service of the notice letter, unless the registrar is of the view that Rule 18[[1]](#footnote-1) applies, and an earlier hearing is necessary in the public interest.
* New applications and interim order reviews will usually be listed as half-day events, with the second hearing listed to start ‘not before 11:00am’
* We will generally list a new interim order application followed by an interim order review. However, where the GOC considers that there is a strong public protection concern, or it is in the public interest to do so, we may list two interim order applications in a day, before the same Committee.

**Substantive Hearings**

* The availability of witnesses, particularly those falling under Rule 41(1)[[2]](#footnote-2), will be the primary consideration when fixing a hearing date.
* The GOC may run parallel hearings (more than one hearing taking place simultaneously) to meet its over-arching objective.
* Availability of first-choice case presenters will be taken into consideration whenever possible, but the over-arching objective and timely progression of cases and will take precedence.

**Joint Responsibilities**

It will be the joint responsibility of the parties to:

* Comply with the time limits set out in the Standard Procedural Directions Table or provide early and proactive communication with the opposing party if this is not able to be achieved.
* Ensure the early identification of the relevant and key issues in the case;
* Identify all witnesses, including expert witnesses, and agree in advance of the hearing their availability and/or accessibility needs, providing this information to the Hearing Manager as soon as possible.
* Engage in early and constructive conversations with the relevant parties, to narrow the issues and ensure a prompt and effective start to the hearing
* Discourage delay, dealing with as many aspects of the case as possible in advance of the hearing, avoiding unnecessary or wasted hearing.
* Utilise the option to request a procedural hearing (in person or on the papers) to set further case management directions.
* Ensure that evidence, whether agreed or in dispute, is presented in an efficient and clear way;
* Encourage participants to co-operate in the timely progression of the case
* Make effective use of technology to support the effective case management of cases.

**Listing Procedure**

With effect from the date of publication of this protocol on our website, our listing procedure will be as follows:

* In accordance with Standard Direction 1, the GOC will serve its case (the allegations, the GOC’s bundle and a time estimate) on the Hearings Manager and the Registrant.
* In accordance with Standard Direction 2, no later than 28 days from the date when the bundle was sent to the registrant, the registrant will serve a time estimate on the GOC’s Presenting Officer. This should be received by way of the Hearing Questionnaire, and on receipt will be shared with the Hearings Manager.
* As soon as possible after receipt of the registrant’s time estimate, or at the expiry of the 28 days allowed for service of the same (whichever is sooner), the Hearings Manager will fix a hearing date and issue formal notifications in accordance with Rule 34(1)[[3]](#footnote-3).
* The hearing date will not be before the expiry of the four-month period permitted by unless the registrant has indicated that an earlier date is preferable and acceptable.
* The Hearings Manager will not offer possible hearing dates to parties to select from.
* The Hearings team will confirm when the telephone conference will be held.
* The first telephone conference call will take place approximately two months from the date of disclosure.
* The second telephone conference call will take place approximately 4-6 weeks prior to the start date if the hearing.
* No later than 10 working days before the hearing is to take place – parties must serve on each other copies of the bundles in which they intend to rely on at the hearing.
* No later than 5 working days before the hearing is to take place, parties must serve on the Hearings Manager:
* Copies of the bundle.
* Unless a written notice is served with the bundles, the parties will be deemed to have agreed that the documents provided can be circulated to the Committee in advance of the hearing.
* Where the bundle has not been agreed between the parties:

- a statement by each party setting out why the bundle for the hearing has not been agreed.

- A statement by each party seeking to rely on any disputed material why that party seeks to include it in the bundle

- the bundles each party intends to rely at the hearing

**Application to Adjourn**

If any party is unable to adhere to the hearing date fixed by the Hearings Manager, they are directed to the process set out in Rule 35[[4]](#footnote-4), unless their request is for an earlier hearing date.

If the request is for an earlier hearing date, please see below.

**Application for a procedural hearing (including applications to expedite)**

If any party wishes to apply for a procedural hearing, they are directed to the process set out in Rule 30[[5]](#footnote-5). This may also be used to apply to expedite a hearing date.

However, where both parties agree to an expedited hearing date, they may apply to the Hearings Manager for consideration of our capacity to offer an earlier listing of the case.

1. The General Optical Council (Fitness to Practice) Rules 2013 [↑](#footnote-ref-1)
2. Vulnerable witnesses [↑](#footnote-ref-2)
3. Date of substantive hearing [↑](#footnote-ref-3)
4. Adjournments [↑](#footnote-ref-4)
5. Procedural Hearings [↑](#footnote-ref-5)