

Fitness to Practise Committee

Substantive Hearings Listing Protocol

This protocol will come into effect from 1 August 2016.

Principles

When listing cases for substantive hearing 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 Health and Social Care (Safety and Quality) Act 2015, 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:

- The availability of witnesses, and particularly those subject to Rule 41¹ considerations, will be the primary consideration when fixing a hearing date.
- When required, the GOC will run parallel hearings (more than one hearing taking place simultaneously) in order to meet its over-arching objective.
- Availability of first-choice case presenters will be taken into consideration whenever possible but the timely progression of cases and the over-arching objective will take precedence.

Joint Responsibilities

It will be the joint responsibility of the parties to:

- Ensure the early identification of the real issues in the case;
- Identify witnesses, including expert witnesses;
- Ensure the early identification of the needs/availability of witnesses and provide this information to the Hearings Manager at the earliest possible stage;
- Achieve certainty as to what must be done, by whom and by when, through the early setting of a timetable for the progression of the case;
- Ensure that evidence, whether disputed or not, is presented in the shortest and clearest way;
- Discourage delay, dealing with as many aspects of the case as possible on the same occasion;
- Avoid unnecessary hearings;
- Encourage participants to co-operate in the timely progression of the case
- Make effective use of technology

¹ The General Optical Council (Fitness to Practise) Rules 2013

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 (Rule 29) 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 GOC has served its case on the Registrant, the Registrant will serve a time estimate (by way of completed Hearing Questionnaire) on the GOC's Presenting Officer. The Presenting Officer will share this time estimate 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).
 - The hearing date will not be less than 28 days after the expiry of the four-month period permitted by Standard Direction 3 (Rule 29), unless the registrant has indicated that an earlier date is acceptable
- The Hearings Manager will not offer possible hearing dates to parties to select from.

Application to Adjourn

If any party is dissatisfied with the hearing date fixed by the Hearings Manager, they are directed to the process set out in Rule 35, unless their request is for an earlier hearing date. If the request is for an earlier hearing date, please see below.

Application to Expedite

If any party wishes to apply to expedite a hearing date they are directed to the Procedural Hearings process set out in Rule 30.

However, where both parties agree to an expedited hearing date, they may apply to the Hearings Manager for the early listing of the case.