**Consultation document:**

**Remote Hearings Protocol**

1. **Overview**

As the UK regulator for optometrists and dispensing opticians, we are committed to protecting the public, maintaining standards and responding to concerns about the fitness to practise of registrants. As part of our fitness to practise process, there are circumstances in which we hold hearings.

We recognise that it is in the fair administration of justice and important to registrants and to other parties involved in our fitness to practise proceedings, to follow a fair process and achieve a fair resolution as quickly as possible.

The aim of the remote hearings protocol is to support all parties to the fitness to practise process with the administration and progression of hearings as the restrictive lockdown measures we have been in continue to ease.

We implemented the protocol in July 2020, and updated it in November 2020 to have regard to the [guidance for regulators on fitness to practise hearings during the COVID-19 pandemic](https://www.professionalstandards.org.uk/what-we-do/improving-regulation/our-policy-advice) published by the Professional Standards Authority. We have considered the learning from the application of the protocol and the circumstances we are operating within, and have reviewed the protocol to ensure that it continues to be fair to registrants while ensuring our overarching objective of protecting the public.

We have made some updates to the protocol (available on our consultation hub in the ‘related’ section at the end of the page), which can be summarised as follows:

* the focus of the policy has shifted to the administration and progression of hearings as COVID-19 restrictions start to ease;
* parties will now have the option of attending a hearing remotely or in person. In each case, we will consider the position of both parties in deciding whether a case is suitable to be heard physically, remotely or as a hybrid or blended hearing (definitions of these terms are found in the draft document);
* we have included a (non-exhaustive) list of suitability factors if there are no, or minimal, government restrictions in place;
* we have included reference to the temporary amendments made to The General Optical Council (Fitness to Practise) Rules 2013 by The General Optical Council (Committee Constitution, Registration and Fitness to Practise) (Coronavirus) (Amendment) Rules 2020, as well as relevant policies such as the GOC’s proposed service of statutory notices by email policy (currently under [consultation](https://consultation.optical.org/policy-and-communications/service-of-statutory-notices-by-email-policy)); and
* we have expressed an expectation that most non-substantive hearings should take place remotely.

We have completed an impact assessment (which is included on our consultation hub in the ‘related’ section at the end of the page).

1. **Why we are consulting**

Due to the circumstances at the time, we implemented the original protocol at pace and with rapid consultation. As we seek to embed some of the positive principles that we have worked through over the last year, we are conducting a full consultation to assess the impact, benefits or disbenefits to these proposals.

We consider that the updated protocol will increase transparency about the decision-making process and be more inclusive of registrants’ views while continuing to protect the public. We are interested in stakeholders’ views on these amendments before we finalise the updated remote hearings protocol.

The public consultation will be open for 12 weeks.

**Questions**

1. **To what extent do you agree that the updated procotol achieves our aim of balancing fairness to registrants while maintaining the focus on public protection?**

a) Strongly agree b) Agree c) Neither agree nor disagree d) Disagree e) Strongly disagree

If you answered ‘disagree’ or ‘strongly disagree’, please explain your reasons.

1. **To what extent do you agree with our expectations that most non-substantive events should be conducted remotely?**

a) Strongly agree b) Agree c) Neither agree nor disagree d) Disagree e) Strongly disagree

If you answered ‘disagree’ or ‘strongly disagree’, please explain your reasons.

1. **Is there anything unclear or missing in the updated protocol?**

a) Yes b) No c) Not sure

If you answered ‘yes’, please give details.

1. **Are there any aspects of the updated protocol that could negatively impact on stakeholders or users with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other personal characteristic(s).)**

a) Yes b) No c) Not sure

If you answered ‘yes’, please give details.

1. **Are there any aspects of the updated protocol that could have a positive impact on stakeholders or users with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other personal characteristic(s).)**

a) Yes b) No c) Not sure

If you answered ‘yes’, please give details.

1. **Is there any other feedback about the updated protocol that you would like to tell us about?**

a) Yes b) No c) Not sure

If you answered ‘yes’, please give details.