

Impact Assessment Screening Tool

Name of policy or process:	1) Remote hearing protocol 2) Remote hearings – a guide to witnesses
Purpose of policy or process:	1) To support the Fitness to Practise Committee Hearing during the COVID-19 Emergency 2) Introduces a witness to remote hearings, their obligations and how we plan to run them
Team/Department:	FTP
Date:	8 July 2020
Screen undertaken by:	David Reeder
Approved by:	Dionne Spence
Date approved:	13 July 2020
Instructions:	<ul style="list-style-type: none"> • Circle or colour in the current status of the project or policy for each row. • Do not miss out any rows. If it is not applicable – put N/A, if you do not know put a question mark in that column. • This is a live tool, you will be able to update it further as you have completed more actions. • Make sure your selections are accurate at the time of completion. • Decide whether you think a full impact assessment is required to list the risks and the mitigating/strengthening actions. • If you think that a full impact assessment is not required, put your reasoning in the blank spaces under each section. • You can include comments in the boxes or in the space below. • Submit the completed form to the Compliance Manager for approval.

A) Impacts	High Risk	Medium Risk		Low Risk	? or N/A
1. Reserves	It is likely that reserves may be required	It is possible that reserves may be required		No impact on the reserves / not used	
2. Budget	No budget has been allocated or agreed, but will be required.	Budget has not been allocated, but is agreed to be transferred shortly	Budget has been allocated, but more may be required (including in future years)	Budget has been allocated and it is unlikely more will be required	N/A
3. Legislation, Guidelines or Regulations	Not sure of the relevant legislation	Aware of all the legislation but not yet included within project/process	Aware of the legislation, it is included in the process/project, but we are not yet compliant	Aware of all the legislation, it is included in the project/process, and we are compliant	
4. Future legislation changes	Legislation is due to be changed within the next 12 months	Legislation is due to be changed within the next 24 months	Legislation may be changed at some point in the near future	There are no plans for legislation to be changed	
5. Reputation & Media	This topic has high media focus at present or in last 12 months	This topic has growing focus in the media in the last 12 months	This topic has little focus in the media in the last 12 months	This topic has very little or no focus in the media in the last 12 months	
6. Resources (people & equipment)	Requires new resource	Likely to complete with current resource, or by sharing resource	Likely to complete with current resource	Able to complete with current resource	
7. Sustainability	Less than 5 people are aware of the process/project, and it is not recorded centrally nor fully	Less than 5 people are aware of the project/process, but it is recorded centrally and fully	More than 5 people are aware of the process/project, but it is not fully recorded and/or centrally	More than 5 people are aware of the process/project and it is clearly recorded centrally	
	No plans are in place for training, and/or no date set for completion of training	Training material not created, but training plan and owner identified and completion dates set	Training material and plan created, owner identified and completion dates set	Training completed and recorded with HR	N/A
8. Communication (Comms) / Raising Awareness	No comms plan is in place, and no owner or timeline identified	External comms plan is in place (including all relevant stakeholders) but not completed, an owner and completion dates are identified	Internal comms plan is in place (for all relevant levels and departments) but not completed, and owner and completion dates are identified	Both internal and external comms plan is in place and completed, owner and completion dates are identified	
	Not sure if needs to be published in Welsh	Must be published in Welsh, Comms Team aware.		Does not need to be published in Welsh.	

Please put commentary below about your Impacts ratings above:

2 – Budget: not required

3 – Legislation: we are not permitted to serve notices via email unless prior consent has been sought. Rule 61 of the FTP Rules makes it clear that we should serve by recorded delivery, registered post, delivery to the registrant in person or leaving at the registered address. We are also not permitted to adjourn or cancel hearings, as that power lies with the adjudication committees. We have relaxed our compliance with these aspects of our legislation during the emergency period. The Department of Health and Social Care (DHSC) and the Professional Standards Authority (PSA) are aware. There is also a clear process in the team on what to do if a registrant does not respond to service documents done via email.

4 – Future legislation changes: we have applied to DHSC to amend our legislation in this area during the emergency period, and they have agreed in principle.

5 – The GOC has been running remote hearings since March 2020 and the hearings protocol defines our processes to ensure consistency and increase transparency.

8 – Communications: a closed consultation was held with responses from the main defence bodies, PSA, committee members and legal advisers being received. We made amendments based on these comments and created a summary of feedback document titled 'we asked, you said, we did'. It has also been communicated to staff, our registrants and the wider optical sector. Legal team have confirmed approval of the document and assisted with the drafting.

B) Information Governance	High Risk	Medium Risk		Low Risk	? or N/A
1. What data is involved?	Sensitive personal data	Personal data	Private / closed business data	Confidential / open business data	
2. Will the data be anonymised?	No	Sometimes, in shared documents	Yes, immediately, and the original retained	Yes, immediately, and the original deleted.	N/A
3. Will someone be identifiable from the data?	Yes	Yes, but their name is already in the public domain(SMT/Council)	Not from this data alone, but possibly when data is merged with other source	No – all anonymised and cannot be merged with other information	N/A
4. Is all of the data collected going to be used?	No, maybe in future	Yes, but this is the first time we collect and use it	Yes, but it hasn't previously been used in full before	Yes, already being used in full	N/A
5. What is the volume of data handled per year?	Large – over 4,000 records	Medium – between 1,000-3,999 records		Less than 1,000 records	N/A
6. Do you have consent from data subjects?	No	Possibly, it is explained on our website (About Us)	Yes, explicitly obtained, not always recorded	Yes, explicitly obtained and recorded/or part of statutory duty/contractual	N/A
7. Do you know how long the data will be held?	No – it is not yet on retention schedule	Yes – it is on retention schedule	Yes – but it is not on the retention schedule	On retention schedule and the relevant employees are aware	N/A
8. Where and in what format would the data be held? (delete as appropriate)	Paper; at home/off site; new IT system or provider; Survey Monkey; personal laptop	Paper; Archive room; office storage (locked)	GOC shared drive; personal drive	other IT system (in use); online portal; CRM; Scanned in & held on H: drive team/dept folder	N/A
9. Is it on the information asset register?	No	Not yet, I've submitted to Information Asset Owner (IAO)	Yes, but it has not been reviewed by IAO	Yes, and has been reviewed by IAO and approved by Gov. dept.	N/A
10. Will data be shared or disclosed with third parties?	Yes, but no agreements are in place	Yes, agreement in place	Possibly under Freedom of Information Act	No, all internal use	N/A
11. Will data be handled by anyone outside the EU?	Yes	-	-	No	N/A
12. Will personal or identifiable data be published?	Yes – not yet approved by Compliance	Yes- been agreed with Compliance	No, personal and identifiable data will be redacted	None - no personal or identifiable data will be published	

13. Individuals handling the data have been appropriately trained	Some people have never trained by GOC in IG.	All trained in IG but over 12 months ago		Yes, all trained in IG in the last 12 months	N/A
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Please put commentary below about reasons for Information Governance ratings:

Most of these sections are not relevant as we will not be collecting data outside of our current scheduling processes. Both parties will continue to operate in same manner but confirm whether a remote hearing is acceptable. The Hearings questionnaire will also be amended to reflect the fact that remote hearings are the default at present. No information governance training is therefore necessary.

Full impact assessment not required.

C) Human Rights, Equality and Inclusion	High Risk	Medium Risk	Medium Risk	Low Risk	? or N/A
1 Main audience/policy user	Public			Registrants, employees or members	
2 Participation in a process (right to be treated fairly, right for freedom of expression)	Yes, the policy, process or activity restricts an individual's inclusion, interaction or participation in a process.			No, the policy, process or activity does not restrict an individual's inclusion, interaction or participation in a process.	
3 The policy, process or activity includes decision-making which gives outcomes for individuals (right to a fair trial, right to be treated fairly)	Yes, the decision is made by one person, who may or may not review all cases	Yes, the decision is made by one person, who reviews all cases	Yes, the decision is made by a panel which is randomly selected; which may or may not review all cases.	Yes, the decision is made by a representative panel (specifically selected). No, no decisions are required.	
	There is limited decision criteria; decisions are made on personal view	There is some set decision criteria; decisions are made on 'case-by-case' consideration.	There is clear decision criteria, but no form to record the decision.	There is clear decision criteria and a form to record the decision.	
	There is no internal review or independent appeal process	There is a way to appeal independently, but there is no internal review process.	There is an internal review process, but there is no way to appeal independently	There is a clear process to appeal or submit a grievance to have the outcome internally reviewed and independently reviewed	
	The decision-makers have not received EDI & unconscious bias training, and there are no plans for this in the next 3 months.	The decision-makers are due to receive EDI & unconscious bias training in the next 3 months, which is booked.	The decision-makers are not involved before receiving EDI & unconscious bias training.	The decision-makers have received EDI & unconscious bias training within the last 12 months, which is recorded.	
4 Training for all involved	Less than 50% of those involved have received EDI training in the last 12	Over 50% of those involved have received EDI training, and the training are booked in for all others involved in the next 3 months.		Over 80% of those involved have received EDI training in the last 12	

	months; and there is no further training planned		months, which is recorded.	
5 Alternative forms – electronic / written available?	No alternative formats available – just one option	Yes, primarily internet/computer-based but paper versions can be used		Alternative formats available and users can discuss and complete with the team.
6 Venue where activity takes place	Building accessibility not considered	Building accessibility sometimes considered		Building accessibility always considered
	Non-accessible building;	Partially accessible buildings;	Accessible buildings, although not all sites have been surveyed	All accessible buildings and sites have been surveyed
7 Attendance	Short notice of dates/places to attend	Medium notice (5-14 days) of dates/places to attend		Planned well in advance
	Change in arrangements is very often	Change in arrangements is quite often		Change in arrangements is rare
	Only can attend in person	Mostly required to attend in person		Able to attend remotely
	Unequal attendance / involvement of attendees	Unequal attendance/ involvement of attendees, but this is monitored and managed.		Attendance/involvement is equal, and monitored per attendee.
	No religious holidays considered; only Christian holidays considered	Main UK religious holidays considered	Main UK religious holidays considered, and advice sought from affected individuals if there are no alternative dates.	Religious holidays considered, and ability to be flexible (on dates, or flexible expectations if no alternative dates).
8 Associated costs	Potential expenses are not included in our expenses policy	Certain people, evidencing their need, can claim for potential expenses, case by case decisions		Most users can claim for potential expenses, and this is included in our expenses policy; freepost available.
9 Fair for individual's needs	Contact not listed to discuss reasonable adjustments, employees not aware of reasonable adjustment advisors.	Most employees know who to contact with queries about reasonable adjustments		Contact listed for reasonable adjustment discussion
10 Consultation and Inclusion	No consultation; consultation with internal employees only	Consultation with employees and members	Consultation with employees, members, and wider groups	Consultation with policy users, employees,

				members and wider groups.	
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Please put commentary below for Human Rights, Equalities and Inclusion ratings above:

The statement will inform registrants of how the GOC intends to approach hearings during the pandemic.

2 - The process for serving documents on registrants and holding remote hearings may impact on some individuals' ability to participate, although there is a process if a registrant does not respond to an email notification or if they request for the document to be served by post, for example if their business address is listed as their registered address.

3 – If the registrant does not acknowledge receipt of service, then the officer will contact the registrant for an alternative-method. If this cannot be achieved, then the notice will be sent by post.

8 – If physical attendance can be guaranteed then potential expenses claims will need to be considered. Further, if a laptop is required to ensure participation.

10 – Consultation and inclusion: closed consultation with defence bodies, PSA, committee members and legal advisers. Concerns raised were reviewed and some amendments were made to the statement. Confirmed with defence bodies that this will be a running agenda item in quarterly group meetings and that a review will take place in 3 months' time. Some concerns in terms of public access and as a result we have enforced a maximum capacity of observers to mirror our hearing room at 10 Old Bailey.

A full impact assessment is required.

Policy – Impact Assessment

Step 1: Scoping the IA

Name of the policy/function:	Service of documents and approach to hearings
Assessor:	David Reeder
Date IA started:	1 July 2020
Date IA completed:	8 July 2020
Date of next IA review:	8 October 2020
Purpose of IA:	To assess and manage the potential impact of the GOC serving documents by email only and for listing matters for a remote hearing, with particular regard to fair process.
Approver:	Dionne Spence / Marie Bunby
Date approved:	13 August 2020 / 17 August 2020

Q1. Screening Assessment

- Has a screening assessment been used to identify the potential relevant risks and impacts? Tick all that have been completed:
 - Impacts ✓
 - Information Governance (Privacy) ✓
 - Human Rights, Equality & Inclusion ✓
 - ~~None have been completed~~

Q2. About the policy, process or project

- What are the main aims, purpose and outcomes of the policy or project?
- You should be clear about the policy proposal: what do you hope to achieve by it? Who will benefit from it?

Aims: The statement will provide service users with clarity about how the GOC will continue to fulfil its statutory function during the COVID-19 emergency, specifically in relation to limitations on our ability to hold physical hearings and serve documents by recorded delivery. It may also enable the GOC to discharge these functions in a more cost-effective and inclusive manner after the current COVID-19 emergency has passed.

Purpose and Outcome: Maximise participation and fairness, minimise delays and expense.

Who will benefit: Public, registrants, complainants, witnesses and the GOC.

Q3. Activities or areas of risk or impact of the policy or process

- Which aspects/activities of the policy are particularly relevant to impact or risk? At this stage you do not have to list possible impacts, just identify the areas.

Activity/Aspect
<ul style="list-style-type: none">• The starting point is that all service documents will be sent by email and that all hearings will be listed to be held remotely.• Although the GOC will follow this approach, the final decision on whether to proceed with a remote hearing rests with the FTPC.• The GOC's reputation may be impacted by a perception that the service of documents is not being done in compliance with the Rules which negatively affects a registrant being able to engage with proceedings. If a hearing is adjourned for non-compliance, there may be a financial impact from having to relist - but such costs are likely to be outweighed by the financial benefits from email service and administrative adjournment.• There may be an impact on public protection if the GOC does not properly consider all aspects before listing a matter: agreeing an adjournment where a remote hearing could have been held, or listing a remote hearing where this could result in unfairness to a participant. The former could result in increased delays and higher costs, the latter in an unfair outcome and a successful appeal.• There may be an impact on the GOC's working relationship with committee members, as administration adjournments will mean that the GOC is exercising powers that are legally theirs. An FTPC Chair has expressed concern in this regard, and we are reviewing our processes (which may include referring adjournment decisions to the FTPC unless that would undermine public protection) to address these concerns.

Q4. Gathering the evidence

- List below available data and research that will be used to determine impact of the policy, project or process.
- Consider each part of the process or policy and identify where risks or implications might be found for: 1) Impacts; 2) Information Governance and Privacy implications; and 3) Human Rights, Equality and Inclusion.

Available evidence – used to scope and identify impact
<p>At this point, we have limited information on impacts, based on the concerns that have been specifically raised by defence bodies on behalf of their registrants, as well as GOC staff's own awareness of issues that may arise. Any concerns are reviewed before deciding whether the protocol should be amended.</p> <p>We will be reviewing the protocol in three months and speaking to defence bodies in September about any impact.</p>

Q5. Evidence gaps

- Do you require further information to gauge the probability and/or extent of impact?
- Make sure you consider:
 - 1) Impacts;
 - 2) Information Governance and Privacy implications; and
 - 3) Human Rights, Equality and Inclusion implications.

If yes, note them here:

Yes.

As further government guidelines and advice are issued, we will review whether to relax our service approach so that we can revert to service by recorded delivery or if we will seek broader consent to serve documents via email.

As more remote hearings are listed, we will continue to engage with panellists and registrant representatives to understand further impacts.

Q6. Involvement and Consultation

Consultation has taken place, who with, when and how:

There has been a closed consultation with the PSA, other regulators, hearing panellists, defence representative and membership bodies and GOC staff.

Summary of the feedback from consultation:

So far, feedback has been largely positive.

Some issues have been raised which will need careful consideration by the Hearings/Case Progression teams in deciding whether to serve documents via email and list for a remote hearing, and by FTPCs in deciding whether, and if so how, a remote hearing should take place. We have been specifically asked to consider the impact on:

- Registrants without an email account or a practice account which may be closed (raised by AOP)
- Registrants with limited hardware, e.g. smartphone but no laptop/ tablet (raised by AOP)
- Emotional impact on registrants of their personal space being “tainted” by remote attendance from their home (by AOP)
- Number of observers who should be permitted to view a remote hearing (raised by BLM)
- Why decisions on applications to adjourn were being made by the Head of Hearings (raised by panellist)
- FTPC may decline to proceed if we cannot demonstrate legal service (by Hearings)
- The GOC could be judicially reviewed (though this is unlikely) for publishing and working to a statement that does not comply with the Opticians Act (by Legal)
- Damaging relationships with registrants and panellists (by Legal)
- Participants with visual impairment (by Registrar)
- Participants with learning difficulties or other special needs (by Director)

- Registrants who would have more confidence in the process if they can address a committee direct (by representatives)
- Participants with limited WiFi bandwidth / unreliable internet (by defence bodies and Legal team)
- Young or vulnerable witnesses (by Legal team)
- Unrepresented registrants (defence bodies)

Link to any written record of the consultation to be published alongside this assessment:

Attached to this document is our 'We asked, You said, We did' which summarises the feedback received as part of the consultation and what steps we took.

How engagement with stakeholders will continue:

Defence Stakeholder Group, Director communication and the GOC consultation platform.

Step 2: Assess impact and opportunity to promote best practice

- Using the evidence you have gathered what if any impacts can be identified. Please use the table below to document your findings and the strand(s) affected.
- What can be done to remove or reduce any impact identified?
- Consider each part of the process or policy and identify where risks might be found for equality, human rights and information governance and privacy.
- Ensure any gaps found in Q5 are recorded as actions and considerations below.

Use the table below to document your strengthening actions (already in place or those to further explore or complete).

Activity/ Aspect	Potential/actual Impact	Strengthening actions to remove or reduce impact. For actions, include timeframes.
Registrants without an email account or a practice account which is not accessible	Registrants will not be able to fully engage with proceedings because they are not aware of the hearing	<ul style="list-style-type: none"> • Clear guidance was issued to internal staff that where there is no email address registered with us, or where there is a business email address registered, we will contact the registrant to request a personal email address in accordance with security protocol. • Registrants/representatives will be asked to acknowledge receipt of the documents. • If we are unable to satisfy service requirements by the above means, then an internal decision will be made as to whether the documents should be served by post. This will include organising for two staff members to attend the office in line with government advice and guidelines.
Emotional impact on registrants and/or other witnesses of their personal space being “tainted” by remote attendance from their home	The hearing may cause these participants lasting distress, or may make it more difficult for them to fully participate in the hearing process.	<ul style="list-style-type: none"> • The hearings officer to share any such advance concern with the committee chair or legal adviser. • The hearings officer to use a laptop or other large screen (especially if one or more panellist or the legal assessor is joining by smartphone), and is ready to suggest a break if a participant appears distressed during the hearing. • GOC to allocate more than one hearings officer to more sensitive cases. • GOC to list with a longer time estimate, allowing time for more breaks. • In extreme cases, GOC to list the matter for a for the registrant / witnesses to attend the office (while maintaining social distancing).
Public access to the hearing	That there could be more members of the public wishing to view our hearings and become unmanageable	<ul style="list-style-type: none"> • Enforce a maximum observer limit which replicates the environment at 10 Old Bailey. • Clear instructions to observers that the unauthorised recording of proceedings is strictly forbidden.
Agreed applications to adjourn being	That the FTP Rules are clear that these decisions should	<ul style="list-style-type: none"> • Statement amended to ‘may adjourn’ rather than ‘will adjourn’ to emphasise rarity.

Activity/ Aspect	Potential/actual Impact	Strengthening actions to remove or reduce impact. For actions, include timeframes.
approved by Head of Hearings	be taken by the FTPC and this could undermine confidence in the system.	<ul style="list-style-type: none"> • All decisions will be recorded with reasons why agreed applications to adjourn are being approved. • Any applications which are not agreed will be sent to the FTPC to decide. • This will be reviewed on a monthly basis to determine if still required.
FTPC may decide not to proceed with a hearing	As we cannot demonstrate legal service which could result in wasted hearing costs.	<ul style="list-style-type: none"> • Provide evidence of service and receipt where possible. • Engage with defence bodies to put forward email service as an interim measure. • Seek emergency legislation which permits for the service of documents via email. • If registrant does not accept email service, then send by recorded delivery until legislation changes.
The GOC could be judicially reviewed	For publishing a statement that states we will not comply with the Opticians Act and could result in costs by defending challenges.	<ul style="list-style-type: none"> • Satisfy ourselves that the proposed non-compliance is necessary (e.g. being restricted from accessing the office due to government advice and/or restrictions). • Follow due process in reviewing the statement (we have, and continue to, engage with defence bodies, panellists and other affected people).
Damaging relationships with registrants/panellists	<p>These groups may be less willing to follow GOC standards/guidance if we:</p> <ul style="list-style-type: none"> • do not comply with the legislation that we seek to enforce against them • do not record each non-compliance, with reasons, in the way that we require of them. 	If compliance is not possible, record the reasons why, and take alternative steps (e.g. send hearing notices by ordinary post and telephone the registrant/representative to check receipt).

Activity/ Aspect	Potential/actual Impact	Strengthening actions to remove or reduce impact. For actions, include timeframes.
Participants with visual impairment	They may find it more difficult to absorb information (written documents and facial expressions) on screen.	<ul style="list-style-type: none"> • The hearings officer to share any such advance concern with the committee chair or legal adviser, so the committee can arrange for relevant information to be read aloud. • GOC to allocate more than one hearings officer, so one officer can pay attention to non-verbal cues from such participants, and draw the committee chair's attention to the need for information to be read aloud. • GOC to list with a longer time estimate, allowing time for reading aloud.
Participants with learning difficulties or other special needs, or who find the proceedings particularly traumatic	They may find a remote hearing more isolating/intimidating, making it more difficult for them to participate fully, and possibly reducing their confidence in the process.	<ul style="list-style-type: none"> • GOC's witness care manager to make advance enquiries of what additional support is needed (e.g. translator). • The hearings officer to share any such advance concern with the committee chair or legal adviser. • GOC to allocate more than one hearings officer. • GOC to list with a longer time estimate, allowing time for more breaks. • Where necessary, GOC to list the matter for a partially physical hearing.
Registrants or witnesses may have more confidence in the process if they can address a committee in person	There have been reports of witnesses in civil cases feeling "short-changed" since the decision-maker did not have to look them in the eye when delivering an unwelcome decision, and there could also be an impact on our participants' confidence in the process.	<ul style="list-style-type: none"> • GOC to inform all participants in advance of arrangements for the remote hearing, allowing more time for the information to bed down. • Hearings team to facilitate familiarisation sessions in advance of the hearing. • The hearings officer to share any advance concerns with the legal adviser, so they can assure the individual on the prevalence and accepted fairness of remote hearings. • In highly sensitive cases (e.g. bereaved family member in case involving patient death, or registrant in case that has received high media interest, expressing a strong preference to attend in person), the risks to fairness and public confidence in the GOC, may be so severe as to justify consideration of a (partially) physical hearing.

Activity/ Aspect	Potential/actual Impact	Strengthening actions to remove or reduce impact. For actions, include timeframes.
Participants' limited WiFi bandwidth/ unreliable internet	The connection may be lost, potentially at a key moment.	<ul style="list-style-type: none"> • Hearings officer to pay particular attention to the number of participants, so they can alert the panel if someone has “dropped off”. • Witness calling letters and hearing notices to include a phone number for telephone participation. • Allow longer listing time, so any breaks do not cause the matter to be adjourned part-heard. • Test calls to be undertaken with all hearing participants.
Young, elderly or vulnerable witnesses	They may not have the technological wherewithal to feel comfortable giving evidence online, thus affecting fairness of proceedings and confidence in the process.	<ul style="list-style-type: none"> • GOC's witness care manager to make advance enquiries of what additional support is needed (e.g. testimony of complainant in sexual misconduct case, where a screen would have been needed). • The hearings officer to share any such advance concern with the committee chair or legal adviser (e.g. panel could consider asking registrant to use muted telephone rather than video-link during complainant's testimony). • GOC to allocate more than one hearings officer. • GOC to list with a longer time estimate, allowing time for more breaks. • In extreme cases, GOC to list the matter for a (partially) physical hearing.
Loss of confidentiality e.g. participants discussing case with others during the hearing	If witness evidence is unduly influenced, the fairness of process could be affected, resulting in higher risk of appeal and reduced confidence in the GOC	<ul style="list-style-type: none"> • Committee guidance to highlight this risk and remind witnesses not to discuss their evidence under oath, and not to permit contact by third parties while they are testifying. • GOC to remind newly-appointed panellists, e.g. when allocating them to a remote hearing, of the need to ensure confidentiality during a hearing, especially a private hearing.
Registrant not being in the same room as adviser, and witness not being in the	If the registrant/ witness cannot consult their adviser/supporter	<ul style="list-style-type: none"> • Hearing team to list with longer time estimate, so participants or adviser/ supporter can request a break when needed.

Activity/ Aspect	Potential/actual Impact	Strengthening actions to remove or reduce impact. For actions, include timeframes.
same room as supporter	as easily as passing a note during a hearing, there may be reduced fairness from reduced ability to fully participate.	<ul style="list-style-type: none"> • (Conversely, where the registrant/witness and legal representative / McKenzie friend/ supporter are in the same room, they will need to be asked to separate when the registrant/witness is giving evidence.) • Hearings team to consider allocating dedicated video-link lines (subject to maximum capabilities).
Continued uncertainty over current health risks and travel options	If a matter is adjourned to a physical hearing, there could be a delay of up to one year before the matter is heard, reducing public protection and effectiveness of witness testimony, and thus affecting fairness of the proceedings and confidence in the outcome.	<ul style="list-style-type: none"> • List all matters for remote hearing unless there are exceptional circumstances that outweigh the benefits from speedier justice. • Consider all flexible and reasonable adjustments that may mitigate the concern.
Proceedings being recorded covertly (risk exists in physical hearings but is potentially harder to monitor at remote hearings)	The unauthorised posting of GOC hearings, e.g. on social media, could infringe the privacy of registrants, witnesses, GOC staff and other participants. There may also be an impact on public confidence in our processes.	<ul style="list-style-type: none"> • Hearing officer to look out for any attempt to record using Microsoft Teams. • Any observers to request advance permission from the GOC, so we have a record of their identity in case there is a breach of confidentiality. • Hearing officer to warn observers against making any recording. • Observers need to confirm that they will abide by set of rules before they are able to observe the hearing. • Chair to remind attendees at regular stages of the hearing.
Unrepresented registrants	Not being able to understand the process or feeling like they are not in	<ul style="list-style-type: none"> • Hearing letters and notices encourage unrepresented registrants to seek advice. • Registrants are encouraged to speak to their Scheduling Officer if they do not understand

Activity/ Aspect	Potential/actual Impact	Strengthening actions to remove or reduce impact. For actions, include timeframes.
	a position to object to a remote hearing	<p>the process. Hearings operate independently from the GOC's case progression team.</p> <ul style="list-style-type: none"> • Protocol written in plain English and links provided to documents that were referred to. • Correspondence to unrepresented registrants is being reviewed to ensure that it is easily understandable. • Feedback form is being introduced which is due to be aimed at the experience that unrepresented registrants have had at hearings so that any learning can be identified and implemented.

Step 3: Monitoring and review

Q6. What monitoring mechanisms do you have in place to assess the actual impact of your policy?

The statement will be reviewed on a three-monthly basis and there will be a standing agenda item at Defence Stakeholder Group meetings.

All those who took part in the consultation have been asked to feedback to the Head of Hearings directly.

Please provide a review date to complete an update on this assessment (three months from initial completion).

Date: 8 October 2020