**Case Management Meetings - Plan**

**Introduction**

The purpose of this guidance is to assist parties within the General Optical Council (GOC) pre-hearing case management process.

The case management process is intended to ensure cases are hearing ready, to reduce delays and make the best use of hearing time.

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.

**Purpose**

The case management procedure is primarily intended to:

* Facilitate the effective running of GOC hearings
* Encourage both parties to prepare their cases and co-operate with each other in order to keep delays to a minimum
* Minimise the stress on the Registrant/witnesses at a hearing by setting up an effective channel of communication during the pre-hearing period and seeking agreement about a number of key issues.

The process is designed to minimise delays that can arise during the pre-hearing preparation period, which have led to hearing dates being vacated, and at the hearing stage, where valuable time is often spent dealing with preliminary matters which can ordinarily be resolved before the hearing.

**Scope**

The case management procedure will be facilitated by the GOC Hearings team, which has responsibility for all aspects of hearing administration and support.

The policy will apply to registrants who are the subject of a fitness to practise investigation.

Straightforward cases such as those relating to conviction will usually be excluded from this process. This is intended to reduce unnecessary time on the part of parties in cases where there are unlikely to be case management issues.

**What happens**

**Overview**

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| **Action** | **Time** |
| In accordance with Standard Direction 1 (Rule 29) the GOC will serve its case on the Registrant and the hearings manager.  The disclosure information will include:   * Allegation, * Disclosure bundle (used and unused material) * Hearing Questionnaire (Council and Registrant) * List of witnesses whose evidence will be relied upon * GOC time estimate | Day 1 |
| No later than 28 days from the date when the material set out in direction 1 was sent to the Registrant, the Registrant must serve a time estimate for the substantive hearing. | Within 28 days from date of disclosure. |
| The Hearings Scheduling Officer will fix a hearing date and issue formal notifications in accordance with Rule 34(1).  The hearing date will be 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. | Within 15 days of the HQ being returned, or on the expiry of the 28 days – whichever is sooner. |
| First telephone conference call | 2 months from date of disclosure to the registrant |
| No later than 4 months from the date when the material set out in direction 1 was sent to the registrant, the registrant must serve on the presenting officer:   1. Any statements of evidence (including witness statements), expert reports or other documents relied upon in support of the registrant’s case; 2. A list of witnesses whose evidence will be relied upon in support of the registrant’s case; and 3. A time estimate for the registrant’s case | No later than 4 months from the date of disclosure |
| Second telephone conference call | 4-6 weeks prior to start date of hearing |
| Service of bundles  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. | 10 working days prior to the first day of the hearing |
| Substantive Hearing date |  |

**Procedure**

The procedure will normally focus on up to two discussions between parties. In most cases, these will take place over the telephone.

The GOC’s Case Progression team will serve on the Registrant the documentary evidence that it intends to rely upon during the hearing.

The disclosure information will include:

* Allegation,
* Disclosure bundle (used and unused material)
* Hearing Questionnaire (Council and Registrant)
* List of witnesses whose evidence will be relied upon
* GOC Time estimate

Following the disclosure of a case, the Registrant will have 28 days to complete the hearing questionnaire and provide their dates to avoid to the GOC’s Hearings team. Reasons for unavailability must be provided so that careful consideration can be given as to whether it would be reasonable to list a hearing date to accommodate non availability. If there are exceptional reasons why particular counsel/expert is required, then this should be noted with full reasons. In accordance with the listing protocol, Hearings will attach low priority to the availability of preferred Counsel

Once the completed hearing questionnaire is received, or on the expiry of the 28 day notice period, whichever is sooner, the scheduling officer will list the hearing and send a Notice of Substantive Hearing. The scheduling officer will also arrange and list the 1st telephone conference meeting, which will take place approximately 2 months from the date of disclosure by the GOC (or earlier by agreement).

**First telephone conference:**

The first telephone conference will be held 2 months from the date of disclosure to the Registrant. It will be chaired by the GOC Hearings Scheduling Officer, and will involve the GOC Investigation Officer, the GOC Solicitor, the Registrant and/or their legal representative. The date and time of the telephone conference will be agreed with the parties involved. Participants are expected to agree a date within the timescales set out. The telephone conference will go ahead even if only one party agrees to participate. Where the Registrant has legal representation, their solicitor will normally take part.

Registrants with no representation will be encouraged to engage with the case management procedure, and wherever possible, to obtain legal representation. But if they do not respond to correspondence by the specified date, the telephone conference will go ahead without them and a record of the outcome will be sent to them.

At this 1st telephone conference procedural and legal issues will be considered.

A first listing telephone conference record is at **Annex A**. This form is intended to guide discussion and record outcomes of the main areas discussed, which will include:

* **Hearing date, location and Committee members**

The hearing date and location will be confirmed, and a conflict check between witnesses, experts and committee members will be undertaken.

* **Admissions**

Parties to review any admissions. This is also an opportunity to review whether an Agreed Panel D isposal hearing is appropriate in accordance with the relevant policy.

* **Witnesses**

A list of all witnesses required by both parties. Confirmation if their statement is agreed and can be read, or if they are required to attend the hearing. List any measures that are required by the parties, such as Skype attendance or special measures e.g. screens or assistance at the venue if vulnerable.

* **Expert witnesses**

If both parties are calling experts, then they are expected to make early arrangements for the experts to meet/speak in advance of the first day of the hearing, to narrow the areas of contention and produce a joint expert report. A timetable will be put in place for the meeting of experts and preparation of bundles.

* **Service of Evidence**

To discuss the evidence that will be relied upon by both parties and the dates of service of this evidence in compliance with the below set of Rules. Consideration will be made as to whether a procedural hearing should be listed in order to deal with any issues surrounding admissibility (Rule 40).

At this call, both parties will need to agree a timetable for, when evidence will be served and will set out a timetable to ensure the following service timelines can be met:

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 hearing 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 as to why that party seeks to include it in the bundle
* the bundles each party intends to rely at the hearing
* **Reasonable adjustments**

Any adjustments that are required by either party for those attending the hearing (in any capacity) will be reviewed.

* **Review time estimate**

Parties will be asked to review the time estimate provided in the Hearing Questionnaire, taking into account any admissions, outstanding preliminary arguments, presentation of the GOC’s case and the Registrant’s case (including cross-examination of witnesses), submissions on impairment and sanction and the time the Committee will require for its in-camera deliberations and drafting of its decision at various stages. Where appropriate, the estimated length of the hearing will be reviewed. Where the length of the hearing is thought to be significantly under or over-estimated, parties will need to agree a more accurate estimate to reduce the risk of the hearing either finishing early or going part heard due to lack of time.

The GOC Hearings Scheduling Officer will prepare a record of the telephone conference, and circulate it to all parties, whether or not they participated, within three days. This record will be limited tothe telephone conference record, with a note of potential issues raised by either party. It is not intended to be a verbatim record of the discussion, but parties can request amendments to the record if they don’t think it reflects the discussion accurately.

A record of this call will be provided to the Committee in advance of the hearing.

**Second telephone conference:**

A second telephone conference will always take place for cases listed for over 5days. For cases listed below 5 days a review will be undertaken at the first telephone conference. This call will take place 4-6 weeks prior to the start date of the hearing and the date will be agreed at the 1st telephone conference. A second call can be requested by either party or the hearings team at any stage of the prehearing period.

It will be chaired by the GOC Hearings Scheduling Officer, and will involve the GOC Investigation Officer, the GOC Solicitor, the Registrant and/or their legal representative. The date and time of the telephone conference will be agreed with the parties involved. Participants are expected to agree a date within the timescales set out. The telephone conference will go ahead even if only one party agrees to participate. Where the Registrant has legal representation, their solicitor will normally take part.

This call will provide a further opportunity to establish whether the Registrant intends to be present at the hearing, and to deal with any outstanding procedural and legal issues. It will be an opportunity for parties to identify whether they intend to raise any preliminary arguments as well as ensure parties are ready to proceed on the first day of the hearing.

The main areas of discussion for the second telephone conference call will include:

* **Hearing date, location and Committee members**

The hearing date and location will be re-confirmed, and a final conflict check between witnesses, experts and committee members will be undertaken.

* **Witnesses**

A review of the witness list will be undertaken by both parties and confirmation of any special measures that are required by the parties.

* **Expert witnesses**

A review of the plan put in place at the 1st telephone conference meeting will be undertaken.

* **Hearing bundles**

Parties, will be asked to review the timetable set at the first teleconference for the preparation of hearing bundles, taking into consideration any redactions that may need to be made. This is to ensure that the standard directions 6 and 7 of the FTP Rules are met (set out above).

* **Reasonable adjustments**

Another opportunity for either party to request any adjustments that are required for those attending the hearing (in any capacity)

* **Review time estimate**

Parties will be asked to undertake a final review of the time estimate. Where appropriate and based on their knowledge after effective case management the estimated length of the hearing will be reviewed. Where the length of the hearing is thought to be significantly under or over-estimated, parties will need to agree a more accurate estimate to reduce the risk of the hearing either finishing early or going part heard due to lack of time.

The GOC Scheduling Officer will prepare a record of the telephone conference, and circulate it to all parties, whether or not they participated, within three days. This record will be limited tothe telephone conference record with a note of potential issues raised by either party. As with the first telephone conference call, it is not intended to be a verbatim record of the discussion, but parties can request amendments to the record if they do not think it reflects the discussion accurately. The record will be limited to the format of the proforma, with a note of potential issues raised by either party.

A record of this call will be provided to the Committee in advance of the hearing.

**Telephone Conference calls**

Either party or the Hearings team may request a telephone conference at any time throughout the preparation period or where there is difficulty in complying with the agreement from any of the telephone meetings. This call will be listed as soon as convenient for all.

The first call will be listed at 2 months from the date of the disclosure to the Registrant. The date of which will be provided by the Hearings team following the disclosure letter.

The second call will take place 4-6 weeks from the first day of the hearing. The date will have been agreed by the parties at the first telephone conference call.

If the date/time of any calls is not convenient to either party then it can be rescheduled by contacting the Hearings Scheduling Officer, who will make arrangements to move the call to the next convenient date for all.

Additional calls can be requested by either party at any stage of the process by contacting the Hearings Scheduling Officer.

**Procedural Hearings**

At any stage of the preparation period, either party can request a procedural hearing before the FTPC. If there are any areas of dispute at the teleconference call(s) the Hearings team can request a procedural hearing.

These meetings are an important part of the case management process. They aim to minimise delays that can arise during the pre-hearing preparation period, which have led to hearing dates being vacated, and at the hearing stage, where valuable time is often spent dealing with preliminary matters which can ordinarily be resolved before the hearing. It is therefore hoped that formal procedural hearings will only rarely be required.

**What happens if one party is unable to comply with the agreement?**

* It will be open to the parties to either seek a second telephone meeting or to request a procedural hearing if the above directions cannot be adhered too.
* Either the GOC Case Progression Team, the Registrant, or the Hearings team can request a procedural hearing before the FTPC.

**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.

**Costs**

Both parties are reminded that the FTPC may, as it thinks fit, summarily assess the costs of any party to a substantive hearing or to any review hearing other than a hearing to review an interim order, and may order any party to pay all or part of the costs or expenses of any other party relating to that hearing. Parties are directed to Rules 52 and 53 for further information.