

Use of video link, telephone evidence and special measures at Medical Practitioners Tribunal hearings

Guidance for Decision Makers, Parties and Representatives

Publication date: March 2020

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Introduction

This guidance is for parties, representatives and decision makers, and covers the following areas:

- ▶ When video link and telephone evidence might be used in Medical Practitioners Tribunal (MPT) hearings
- ▶ Vulnerable witnesses
- ▶ Other witnesses
- ▶ Doctors wishing to appear by video link or telephone.

References to rules are to the GMC Fitness to Practise Rules 2004 (as amended) unless otherwise stated.

If, after considering this guidance, parties or representatives have any queries regarding the use of video link or telephone evidence they should contact the MPTS Case Management Team at MPTSCaseManagementTeam@mpts-uk.org.

When can video link, telephone or special measures be used?

Our starting presumption is that all parties and witnesses will appear at MPT hearings in person. However, our rules allow the use of video link, telephone and other special measures in certain circumstances:

- ▶ a case manager or the tribunal can direct that a vulnerable witness may give evidence by video link
- ▶ a case manager can, where the parties agree, direct that a witness may give evidence by video link or telephone
- ▶ a tribunal can, at any time during a hearing, direct that a witness may give evidence by video link or telephone.

Video link evidence

In our experience video link can be an effective way of hearing evidence. It can assist with witness scheduling and the efficient use of hearing time.

The courts have made increasing use of video link evidence in recent years and Lord Slynn of Hadley in *Polanski v Condé Nast Publications Ltd* [2005] UKHL 10 stated: *“It seems to me...that as a starting point it is important to recall that although evidence given in court is still often the best as well as the normal way of giving oral evidence, in view of technological developments, evidence by video link is both an efficient and an effective way of providing oral evidence both in chief and in cross examination.”*

The MPTS currently permits video link evidence by two methods: Skype for Business; or a secure video link using an IP connection and Polycom equipment.

Use of video link will only be considered if the requirements in our technical guidance are met. The technical guidance applicable to the two methods of connection can be found at:

- ▶ [Skype for Business guidance](#)*
- ▶ [A secure video link using an IP connection and Polycom equipment](#)[†].

* https://www.mpts-uk.org/-/media/mpts-documents/dc12252---technical-guide-with-annex-for-parties-using-skype-for-business-at-mpts_pdf-80115639.pdf

† https://www.mpts-uk.org/-/media/mpts-documents/dc12446---polycom-annex_pdf-81361942.pdf

Telephone evidence

Telephone facilities can also allow a witness to give evidence where they would otherwise be unable to do so.

For example, if the witness is based in a remote location which does not have video link facilities, or where the witness is required at short notice. Telephone evidence may also be suitable in circumstances where a witness has given evidence and been released but the tribunal wishes to seek further clarification from the witness.

Special measures

Special measures are arrangements which can be put in place to help the tribunal receive evidence from a vulnerable witness. Examples of special measures include the use of video link or telephone evidence, screens or an interpreter.

What does this mean for parties?

The use of video link or telephone evidence, or other special measures at MPT hearings usually requires permission, but this depends on the circumstances.

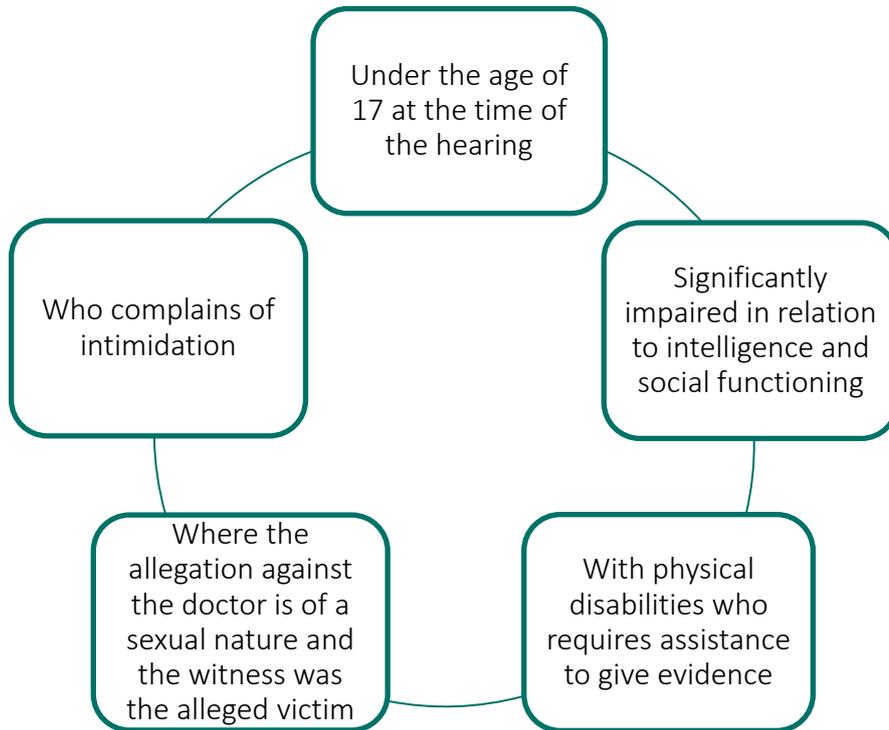
The table below sets out the options available to parties:

Type of witness/party	What options are there?	How do I obtain permission?	Does the other party need to agree?
Vulnerable witness: A witness is a vulnerable witness if they fall within one of the categories in Rule 36(1). This is explained in more detail at pages 8 to 11.	A vulnerable witness can give evidence by video link, telephone or using other special measures.	The party calling the witness can apply either: <ul style="list-style-type: none">▶ To a case manager in advance of the hearing.▶ To the tribunal at the hearing.	No.
Other witnesses: any other factual or expert witness. See pages 11 to 13.	Witnesses in this category can give evidence by video link or telephone.	The party calling the witness can apply either:	Yes, if the application is being made to a case

Type of witness/party	What options are there?	How do I obtain permission?	Does the other party need to agree?
		<ul style="list-style-type: none"> ▶ To a case manager before the hearing. ▶ To the tribunal at the hearing. 	<p>manager before the hearing.</p> <p>No, if the application is being made to the tribunal at the hearing.</p>
Doctors whose cases are under consideration	Where a doctor has disclosed a witness statement, they can apply to give evidence by video link or telephone. See pages 15 to 17.	<p>The doctor can apply either:</p> <ul style="list-style-type: none"> ▶ To a case manager before the hearing. ▶ To the tribunal at the hearing. 	<p>Yes, if the application is being made to a case manager before the hearing.</p> <p>No, if the application is being made to the tribunal at the hearing.</p>
	In exceptional cases a doctor may wish to present their case by video link or telephone. See pages 18 to 22.	Applications can be considered by a case manager before the hearing or the tribunal at the hearing.	No.

Vulnerable witnesses

Rule 36(1) provides that certain witnesses may, if the quality of their evidence is likely to be affected, be treated as vulnerable witnesses. Those are any witness:



Rule 36(2) requires that the tribunal hears representations from the parties, with advice from the legal assessor or legally qualified chair, before deciding on the measures to adopt to enable it to receive evidence from a vulnerable witness.

How to obtain permission

Whether a witness is a vulnerable witness, and how they may give their evidence, can be decided either:

- ▶ in advance of the hearing by a case manager at a pre-hearing meeting or by a party making a written application or
- ▶ at the start of the hearing by an oral application to the tribunal.

The MPTS strongly encourages parties to make any such application in advance to assist vulnerable witnesses and to ensure efficient use of hearing time. Use of video link will only be permitted if the requirements of the technical guidance referred to are met (see page 5 for further information).

Applying to a case manager before the hearing

The application must be made at the earliest opportunity and usually no later than 14 days before the hearing. To make an application to the case manager, the following information should be supplied by email to

MPTSCaseManagementTeam@mpts-uk.org:

Party Applying	<ul style="list-style-type: none">▶ Written explanation of why the witness is vulnerable, to include clear identification of which limb of Rule 36(1) is engaged and the special measure(s) requested.▶ Signed witness statement for the witness setting out the evidence they will give at the hearing.▶ Evidence demonstrating why the witness is vulnerable and how their evidence will be affected. For example, this might include confirmation of relevant medical conditions and details of how the witness believes their evidence will be affected.
Party Responding	<ul style="list-style-type: none">▶ Written confirmation of agreement or objections to the application.

Applying for permission at the hearing

The application must be made at the start of the hearing where possible. To make an application to the tribunal, the information outlined below must be supplied to the tribunal. Parties are encouraged to prepare and exchange skeleton arguments

Party Applying	<ul style="list-style-type: none">▶ Explanation of why the witness is vulnerable, to include clear identification of which limb of Rule 36(1) is engaged and the special measure(s) requested.▶ Signed witness statement for the witness setting out the evidence they will give at the hearing.▶ Evidence demonstrating why the witness is vulnerable and how their evidence will be affected. For example, this might include confirmation of relevant medical conditions and details of how the witness believes their evidence will be affected.
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Party Responding	▶ Oral submissions indicating agreement or objections to the application.
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Guidance for tribunals and case managers

Considering applications

Both parties must be given the opportunity to make representations before the decision maker(s) reach a decision on a vulnerable witness application. The decision maker(s) must consider the representations from the parties and, in the case of the tribunals, any advice received from the legal assessor or legally qualified chair.

The decision maker(s) must first decide whether the individual should be treated as a vulnerable witness and, if so, go on to decide on the measures they consider desirable to enable the tribunals to receive evidence from that witness. Rule 36(3) provides a non-exhaustive list of the special measures which can be adopted.

When considering the use of video link or telephone evidence, the decision maker(s) should consider the Practical Issues highlighted later in this guidance.

Varying or setting aside case management directions

Directions made by a case manager are legally binding and tribunals must proceed in accordance with them unless there is a material change in circumstances or it is otherwise in the interests of justice to proceed differently. Where a case manager has already granted an application, it is not necessary for the tribunal to consider the same application again.

When considering whether to make a different decision, the tribunal must bear in mind that the parties will have prepared their case based on directions given by a case manager. Any subsequent change must be clearly justified as it is likely to result in delay, distress for the witness and possibly unfairness to at least one, if not both, parties.

Other witnesses

Rules 16(6)(fb), 34(13) and 34(14) allow parties to apply to a case manager or the tribunal for permission for any witness (including factual, expert or character witnesses) to give evidence by video link or telephone.

How to obtain permission

Whether a witness is permitted to give their evidence by video link or telephone can be decided:

- ▶ in advance of the hearing by a case manager at a pre-hearing meeting or by a party making a written application, but only where the parties agree or
- ▶ at the start of the hearing by an oral application to the tribunal.

To ensure that hearing time is used efficiently for the benefit of all parties, the MPTS encourages parties to make applications to a case manager before the hearing where they meet the criteria for doing so. Use of video link will only be permitted if the requirements of our technical guidance referred to are met (see page 5 for further information).

Applying to a case manager before the hearing

The application must be made at the earliest opportunity and usually no later than 14 days before the hearing. To make an application to the case manager, the following information should be supplied by email to

MPTSCaseManagementTeam@mpts-uk.org:

Party Applying	<ul style="list-style-type: none">▶ Written explanation of whether video link or telephone use is requested and the reasons why.▶ Signed witness statement for factual witnesses, expert report for expert witnesses and/or testimonial letter for character witnesses, as applicable.▶ Written evidence of agreement to the application from the party responding. Contested applications cannot be considered by a case manager.
Party Responding	<ul style="list-style-type: none">▶ Written confirmation of agreement to the application, if not supplied by the party applying.

Applying for permission at the hearing

The application must be made at the start of the hearing where possible. To make an application to the tribunal, the information outlined below must be supplied to the tribunal. Parties are encouraged to prepare and exchange skeleton arguments

Party Applying	<ul style="list-style-type: none">▶ Explanation of whether video link or telephone use is requested and the reasons why.▶ Signed witness statement for factual witnesses, expert report for expert witnesses and/or testimonial letter for character witnesses, as applicable.
Party Responding	<ul style="list-style-type: none">▶ Oral submissions indicating agreement or objections to the application.

Guidance for tribunals and case managers

Considering applications

Both parties must be given the opportunity to make representations before the decision maker(s) reach a decision on a video link or telephone evidence application. The decision maker(s) must consider the representations from the parties and, in the case of the tribunal, any advice received from the legal assessor or legally qualified chair.

The decision maker(s) must decide whether it is in the interests of justice to allow use of video link or telephone evidence. In doing so, the decision maker(s) should consider whether video link or telephone evidence will be more likely to be beneficial to the fair and just disposal of the case. For example, there may be strong argument in favour of receiving video link or telephone evidence from:

- ▶ Professional witnesses (including expert witnesses) by video link or telephone if requiring the witness to attend in person would result in the cancellation of a clinic, theatre list or similar professional commitment
- ▶ Witnesses based overseas where the cost of the individual's travel to the hearing is disproportionately expensive and/or likely to result in a delay to the proceedings.

When considering the use of video link or telephone evidence, the decision maker(s) should consider the Practical Issues highlighted later in this guidance. Where a case

manager has already granted an application, it is not necessary for the tribunal to consider the same application again.

Varying or setting aside case management directions

Directions made by a case manager are legally binding and tribunals must proceed in accordance with them unless there is a material change in circumstances or it is otherwise in the interests of justice to proceed differently.

When considering whether to make a different decision, the tribunal must bear in mind that the parties will have prepared their case based on directions given by a case manager. Any subsequent change must be clearly justified as it is likely to result in delay, distress for the witness and possibly unfairness to at least one, if not both, parties.

Agreement reached by the parties

Where no case management directions regarding video link or telephone evidence have been made by a case manager but the parties have reached agreement, the tribunal are not bound by that agreement. However, the tribunal should give due regard to any agreement reached and the potential impact on the parties and the efficient running of the hearing if that agreement were to be disregarded.

Doctors whose cases are under consideration – overview

A doctor whose case is the subject of the tribunal hearing, and who wishes to give evidence, is generally expected to attend the hearing. There may, however, be circumstances where a doctor wishes to request the use of video link or telephone. It is important to understand the difference between **giving evidence** and **presenting the case** before the tribunal:

- ▶ **Giving evidence** means providing sworn oral witness testimony to the tribunal on oath (or by affirmation). The tribunal is likely to place greater weight on oral evidence as this can be fully tested by the other party and the MPT asking questions of the witness.
- ▶ **Presenting the case** means making oral submissions to the tribunal, asking questions of witnesses and listening to the proceedings including the oral submissions made by the GMC. It does not include giving sworn oral evidence on oath (or by affirmation).

The following sections consider how to obtain permission for these two options. Before making either type of application, parties are strongly encouraged to consider the Practical Issues highlighted later in this guidance.

Doctors whose cases are under consideration – giving evidence by video link or telephone

There may be some instances where a doctor is unable to travel to the tribunal hearing and wishes to give evidence by video link or telephone. For example, where a doctor is terminally ill or has severe mobility problems and wishes to give evidence but is medically certified as unfit to travel.

How to obtain permission

Whether a doctor whose case is under consideration is permitted to give their evidence by video link or telephone can be decided:

- ▶ in advance of the hearing by a case manager at a pre-hearing meeting or by a party making a written application, but only where the parties agree or
- ▶ at the start of the hearing by an oral or written application to the tribunal.

To ensure that hearing time is used efficiently for the benefit of all parties, the MPTS encourages parties to make applications to a case manager before the hearing where they meet the criteria for doing so. Use of video link will only be permitted if the requirements of our technical guidance referred to are met (see page 5 for further information).

Applying to a case manager before the hearing

The application must be made at the earliest opportunity and usually no later than 14 days before the hearing. To make an application to the case manager, the following information should be supplied by email to MPTSCaseManagementTeam@mpts-uk.org:

Party Applying	<ul style="list-style-type: none">▶ Written explanation of whether video link or telephone use is requested and the reasons why.▶ Signed witness statement from the doctor whose case is under consideration setting out the evidence they will give at the hearing.
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	<ul style="list-style-type: none"> ▶ Written evidence of agreement to the application from the party responding. Contested applications cannot be considered by a case manager.
Party Responding	<ul style="list-style-type: none"> ▶ Written confirmation of agreement to the application, if not supplied by the party applying.

Applying for permission at the hearing

The application must be made at the start of the hearing where possible. To make an application to the tribunal, the information outlined below must be supplied to the tribunal. Parties are encouraged to prepare and exchange skeleton arguments

Party Applying	<ul style="list-style-type: none"> ▶ Explanation of whether video link or telephone use is requested and the reasons why. ▶ Signed witness statement from the doctor whose case is under consideration.
Party Responding	<ul style="list-style-type: none"> ▶ Oral or written submissions indicating agreement or objections to the application.

Guidance for tribunals and case managers

Considering applications

Both parties must be given the opportunity to make representations before the decision maker(s) reach a decision on a video link or telephone evidence application. The decision maker(s) must consider the representations from the parties and, in the case of the tribunal, any advice received from the legal assessor or legally qualified chair.

The decision maker(s) must decide whether it is in the interests of justice to allow use of video link or telephone evidence. In doing so, the decision maker(s) should consider whether video link or telephone evidence will be more likely to be beneficial to the fair and just disposal of the case. For example, there may be strong argument in favour of receiving video link or telephone evidence from:

- ▶ A doctor who has been medically certified as unfit to travel

- ▶ A doctor based overseas where the cost of travel to the hearing is disproportionately expensive and/or likely to result in a delay to the proceedings.

When considering the use of video link or telephone evidence, the decision maker(s) should consider the Practical Issues highlighted later in this guidance. Use of video link will only be permitted if the requirements of the technical guidance referred to are met (see page 5 for further information).

Varying or setting aside case management directions

Directions made by a case manager are legally binding and tribunals must proceed in accordance with them unless there is a material change in circumstances or it is otherwise in the interests of justice to proceed differently.

When considering whether to make a different decision, the tribunal must bear in mind that the parties will have prepared their case based on directions given by a case manager. Any subsequent change must be clearly justified as it is likely to result in delay, distress for the witness and possibly unfairness to at least one, if not both, parties.

Agreement reached by the parties

Where no case management directions regarding video link or telephone evidence have been made by a case manager but the parties have reached agreement, the tribunal are not bound by that agreement. However, the tribunal should give due regard to any agreement reached and the potential impact on the parties and the efficient running of the hearing if that agreement were to be disregarded.

Doctors whose cases are under consideration – presenting the case by video link or telephone

It is not intended that video links, telephone or other forms of correspondence should be used to enable a doctor to present their case or to question witnesses at a hearing as an alternative to attending a hearing*. However, in truly exceptional circumstances, a case manager or the tribunal may consider allowing a doctor to conduct their case by video link or telephone.

Exceptional circumstances will not usually be demonstrated by financial hardship or inconvenience of travel in the absence of other compelling circumstances.

How to obtain permission

Whether a doctor whose case is under consideration is permitted to present the case by video link or telephone can be decided by the following methods:

- ▶ in advance of the hearing by a doctor making a written application for permission, which will be decided by a case manager
- ▶ at the start of the hearing by a doctor making an oral or written application for permission to the tribunal.

To ensure that hearing time is used efficiently for the benefit of all parties, the MPTS encourages doctors to make applications to a case manager before the hearing where they are able to do so. Use of video link will only be permitted if the requirements of our technical guidance referred to are met (see page 5 for further information).

Applying to a case manager before the hearing

The application must be made at the earliest opportunity as it may have an impact on the length of time required for the hearing. Applications made less than 14 days ahead of the hearing will not usually be considered in advance. To make an application to the case manager, the following information should be supplied by email to MPTSCaseManagementTeam@mpts-uk.org:

* It should be noted that parties can apply for a hearing to be held outside of Manchester in exceptional circumstances. Guidance can be found at https://www.mpts-uk.org/-/media/mpts-documents/dc4181-holding-hearings-outside-manchester-on-an-exceptional-basis_pdf-64090798.pdf

Party Applying	<ul style="list-style-type: none"> ▶ Explanation of whether video link or telephone use is requested and the reasons why it is required. Detailed information must be provided to explain why attendance at the hearing centre is not possible and to clearly identify the exceptional circumstances. ▶ Evidence in support of the exceptional circumstances. For example, this might include an independent from a treating doctor regarding a medical condition and how it prevents attendance in person. Where evidence is not provided, an application is unlikely to succeed.
Party Responding	<ul style="list-style-type: none"> ▶ Written submissions indicating agreement or objections to the application.

Applying for permission at the hearing

The application must be made at the start of the hearing. To make an application to the tribunal, the information outlined below must be supplied to the tribunal. Parties are encouraged to prepare and exchange skeleton arguments

Party Applying	<ul style="list-style-type: none"> ▶ Explanation of whether video link or telephone use is requested and the reasons why it is required. Detailed information must be provided to explain why attendance at the hearing centre is not possible and to clearly identify the exceptional circumstances. ▶ Evidence in support of the exceptional circumstances. For example, this might include an independent report from a treating doctor regarding a medical condition and how it prevents attendance in person. Where evidence is not provided, an application is unlikely to succeed.
Party Responding	<ul style="list-style-type: none"> ▶ Oral or written submissions indicating agreement or objections to the application.

Guidance for tribunals and case managers

Considering applications

Both parties must be given the opportunity to make representations before the decision maker(s) reaches a decision on a video link or telephone case presentation application. The decision maker(s) must consider the representations from the parties and, in the case of the tribunal any advice received from the legal assessor or legally qualified chair.

The decision maker(s) decide whether allowing the doctor to present their case remotely (whether by video link or telephone or by engagement through other forms of correspondence) is in the interests of justice and is a proportionate and workable adjustment in view of the exceptional circumstances in the particular case. Exceptional circumstances will not usually be demonstrated by financial hardship or inconvenience of travel in the absence of other compelling circumstances.

In making their decision, the decision maker(s) must consider whether the proposed method of remote case presentation could be disruptive to proceedings, cause unnecessary distress to witnesses and/or result in hearings not concluding within their allocated listing dates. The decision maker(s) must clearly identify the exceptional circumstances which justify allowing the doctor to conduct their case in this way.

On occasion, the decision maker(s) may also be faced with applications to permit partial presentation of a case by a doctor appearing other than in person. In considering such requests, the decision maker(s) should consider how the tribunal will effectively case manage proceedings if they were to agree to partial presentation of proceedings by remote means. This must include clarifying how engagement will occur and how the hearing will proceed if engagement is not as expected.

In recent case law* it has been stated that ‘any culture of adjournment is to be deprecated’ and therefore the decision maker(s) should be mindful of this when managing proceedings.

When considering the use of video link or telephone case presentation, the decision maker(s) should also consider the Practical Issues highlighted later in this guidance.

* *General Medical Council v Adeogba; General Medical Council v Visvardis* [2016] EWCA Civ 162

Practical issues

Availability of video link facilities

The MPTS has video link facilities in most of its hearing rooms. Where directions are given by the case manager, or agreement is reached between the parties for a witness to give evidence by a video link, the MPTS Operations Section will ensure that video link facilities are available and will liaise with the “remote site” i.e. the site from where the witness will give evidence, to establish contact.

Where an application for evidence to be given by a video link is made for the first time at a hearing, the MPTS Operations Section will establish whether video link facilities are available so that the tribunal can take this into consideration when reaching its decision. Any application to use a video link must comply with the requirements of the relevant MPTS technical guidance referred to at page 5.

Cost of video link and telephone facilities

The costs associated with using a video link depend on the method used:

- ▶ A party whose witness is to give video link evidence by Skype for Business is responsible for ensuring that the witness has a suitable/compatible device and connection speed to ensure the video link will work. They must ensure that the witness is able to use Skype for Business in order to avoid delays during the hearing. This includes checking that the witness is in a country where Skype for Business may be used.
- ▶ A party whose witness is due to give evidence by way of a video link using a secure video link using an IP connection and Polycom equipment is responsible for identifying a suitable video link facility and location which may, for example, be based in a hospital, solicitor's office, hotel or commercial premises. They are also responsible for the cost of hiring and making use of the video link facility, and (if applicable) any bridging costs to ensure that the connection is secure.

Any application to use a video link must comply with the requirements of the relevant MPTS technical guidance referred to at page 5.

At the hearing the MPTS Operations Section will connect with the witness video link location. The MPTS will bear the costs of the video link connection. It will also bear the cost of any telephone calls.

If the tribunal wishes to call a person to give evidence by video link who is not a witness relied on by either party, any cost arising from the hire of a video link facility

and any bridging costs will be borne by the MPTS. Where a witness' evidence is agreed between the parties but the tribunal wish to ask questions of that witness, arranging that evidence to be heard (including the identification of a video link facility and any bridging costs) remains the responsibility of the party relying upon that witness.

Taking evidence by video link or telephone

When taking evidence by video link or telephone the tribunal chair should ensure that the session is as close as possible to the tribunal's normal practice when taking evidence. This will include:

- ▶ the administration of the oath/affirmation
- ▶ ensuring the witness understands who is in the hearing room
- ▶ that the witness has switched off their mobile phone (or other electronic device)
- ▶ that the witness has access to any documents to which the parties or the tribunal will refer during their questioning.

Use of documents

Where the witness is likely to be referred to any documents, it is the responsibility of the party calling them to ensure that the bundle or other documents have been provided to them. The tribunal chair should, prior to the start of the witness's evidence, ask the witness whether they have a copy of the documents before them.

The person calling the witness can send additional exhibits circulated during the hearing to the witness directly by e-mail or by fax. They will be responsible for ensuring the security of the arrangements made.

Before the witness gives evidence

The tribunal chair should, prior to the start of the witness's evidence, ask the witness to state whether there is anyone else in the room with them and, if so, to state who the individual(s) is/are and the reason for their presence. There may be valid reasons for the presence of another individual (for example, a vulnerable witness may wish to have someone present for support), but the tribunal chair should establish that the individual(s) is/are not also due to give evidence. Provided there is no reason why the third party should not be present, the tribunal chair should ensure the third party understands that they cannot speak or pass notes to the witness whilst the

witness is giving evidence, or give any signals to the witness. In the case of video link evidence, the tribunal chair should also ask the third party to sit where they can be seen by the tribunal.

While the witness gives evidence

Where evidence is given by video link, even with advanced systems, there can be delay between the receipt of the picture and that of the accompanying sound. The tribunal needs to make allowance for this and, if necessary, the tribunal chair should remind the parties, tribunal and legal assessor of the need to avoid speaking over the witness.

Different time zones

Where the witness is in a different time zone to the tribunal, the tribunal may sit early or late to accommodate the witness at its discretion.

Frequently asked questions: Using video link

This section answers frequently asked questions regarding setting up a video link, and assumes that the party seeking to use a video link has or will successfully obtain permission from a case manager or the tribunal, as applicable.

Who can I contact about setting up a video link?

The MPTS Office Admin team are responsible for booking and setting up video links at MPTS hearings. They can be contacted at MPTSOOfficeAdmin@mpts-uk.org or by telephone on 0161 240 7160.

It is the responsibility of parties to ensure that the MPTS Office Admin team is informed as soon as the potential need for a video link is known. If you have told other MPTS staff (such as the MPTS Case Management team before a hearing, or MPTS Tribunal Assistants during a hearing) about a potential video link, they will inform the MPTS Office Admin team. However, **you must liaise directly with the MPTS Office Admin team** in order that appropriate arrangements can be put in place for the video link.

If there are any changes to your requirements, including a video link facility being needed for longer than originally expected or no longer needed at all, please ensure that you inform the MPTS Office Admin team as soon as possible.

How is a test call arranged?

It is the responsibility of the party calling the witness to perform a test call prior to the hearing. If parties require assistance on how to perform a test call, the MPTS Office Admin team can provide guidance and answer queries, by telephone or email, before the hearing begins. The MPTS Office Admin team will perform test calls in exceptional circumstances, such as where a self-represented doctor wishes to give evidence or attend the hearing by video link. If a test call is required during a hearing, this is done by the Tribunal Assistant.

If an IP connection is being bridged by an external bridging facility, they will perform a test call before confirming their booking with the party making the arrangements. Because a test call is arranged to assess the quality of the connection, it must be done in the same room that the hearing will be in. The test call must be done before the hearing commences, or delays to the hearing can occur.

What do I do if I require a video link at the last minute, or on the day of the hearing?

The MPTS can often accommodate this, although parties must give as much notice as possible to avoid unnecessary delay or the risk of all equipment already being in use. In these circumstances, the party wishing to use a video link must:

- ▶ Liaise directly with the Tribunal Assistant in the hearing, who will then contact MPTS Facilities to obtain the correct equipment.
- ▶ Ensure that all requests are copied to MPTS Office Admin staff as they are required to confirm these on MPTS' electronic booking system as quickly as possible.

The witness is now attending in person so the video link is no longer required

Please notify the MPTS Office Admin team as soon as it is known that it is no longer required so that the equipment can be used in other hearings. If you have made arrangements to bridge the call, please remember to cancel this to avoid incurring any unnecessary charges.