

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

## **Guidance for Decision Makers, Parties and Representatives**

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# Introduction

This guidance is provided 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 MPTS Listings at [mptsoperationslistings@mpts-uk.org](mailto:mptsoperationslistings@mpts-uk.org).

## When can video link, telephone or special measures be used in MPT hearings?

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] UKHL10 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."*

Use of video link will only be considered if the requirements in our technical guidance at Annex A are met.

### Telephone evidence

Telephone facilities can also enable 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 MPT 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.

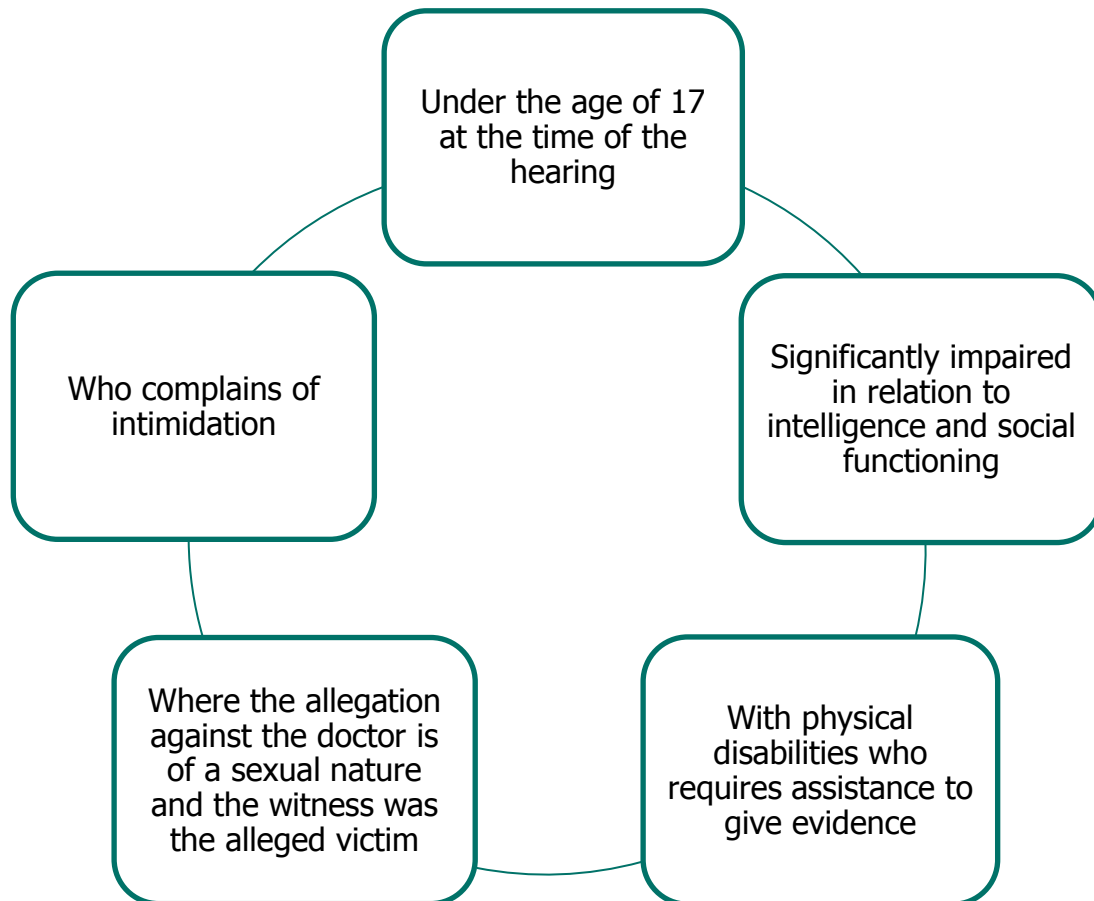
The table below sets out the options available to parties:

Type of witness/party	What options are there?	How do I obtain permission?	Does the other party need to agree?
<p><b>Vulnerable witness:</b> 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 7 to 9.</p>	<p>A vulnerable witness can give evidence by video link, telephone or using other special measures.</p>	<p>The party calling the witness can apply either:</p> <ul style="list-style-type: none"> <li>■ To a Case Manager in advance of the hearing.</li> <li>■ To the MPT at the hearing.</li> </ul>	<p>No.</p>
<p><b>Other witnesses:</b> any other factual or expert witness.</p> <p>See pages 10 to 12.</p>	<p>Witnesses in this category can give evidence by video link or telephone.</p>	<p>The party calling the witness can apply either:</p> <ul style="list-style-type: none"> <li>■ To a Case Manager before the hearing.</li> <li>■ To the MPT at the hearing.</li> </ul>	<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 MPT at the hearing.</p>

<b>Type of witness/party</b>	<b>What options are there?</b>	<b>How do I obtain permission?</b>	<b>Does the other party need to agree?</b>
<b>Doctors whose cases are under consideration</b>	<p>Where a doctor has disclosed a witness statement, he/she can apply to give evidence by video link or telephone.</p> <p>See pages 14 to 16.</p>	<p>The doctor can apply either:</p> <ul style="list-style-type: none"> <li>■ To a Case Manager before the hearing.</li> <li>■ To the MPT at the hearing.</li> </ul>	<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 MPT at the hearing.</p>
	<p>In exceptional cases a doctor may wish to present his/her case by video link or telephone.</p> <p>See pages 17 to 18.</p>	<p>This is not usually a practical or workable method of fully participating in the hearing. However, applications can be considered by the MPT at the hearing.</p>	<p>No.</p>

## 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 MPT 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 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; or
- at the start of the hearing by an oral application to the MPT.

The MPTS strongly encourages parties to make any such application in advance to assist vulnerable witnesses and to ensure efficient use of hearing time.

Any application to use a video link must comply with the requirements at Annex A.

## Applying to a Case Manager before the hearing

The application must be made at the earliest opportunity and no later than 7 days before the hearing. To make an application to the Case Manager, the following information should be supplied by email to [MPTSCaseManager@mpts-uk.org](mailto:MPTSCaseManager@mpts-uk.org):

<b>Party Applying</b>	<p>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.</p> <p>Signed witness statement for the witness setting out the evidence they will give at the hearing</p> <p>Evidence in support of the reason why it is claimed 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.</p>
<b>Party Responding</b>	<p>Written confirmation of agreement or objections to the application.</p>

## 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 above must be supplied to the tribunal. Parties are encouraged to prepare and exchange skeleton arguments

<b>Party Applying</b>	<p>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.</p> <p>Signed witness statement for the witness setting</p>
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	<p>out the evidence they will give at the hearing</p> <p>Evidence in support of the reason why it is claimed 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.</p>
<b>Party Responding</b>	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 vulnerable witness application. The decision maker(s) must take into account 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 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 tribunal 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.

When considering whether to make a different decision, the tribunal must bear in mind that the parties will have prepared their case on the basis of 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 MPT.

To ensure that hearing time is used efficiently for the benefit of all parties, we encourage parties to make applications to a case manager before the hearing where they meet the criteria for doing so.

Any application to use a video link must comply with the requirements in Annex A.

### Applying to a Case Manager before the hearing

The application must be made at the earliest opportunity and no later than 7 days before the hearing. To make an application to the Case Manager, the following information should be supplied by email to [MPTSCaseManager@mpts-uk.org](mailto:MPTSCaseManager@mpts-uk.org):

<b>Party Applying</b>	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.
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<b>Party Responding</b>	Written confirmation of agreement to the application, if not supplied by the party applying.
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## 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 above must be supplied to the tribunal. Parties are encouraged to prepare and exchange skeleton arguments

<b>Party Applying</b>	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.
<b>Party Responding</b>	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 take into account 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.

### **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 on the basis of 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 tribunal asking questions of the witness.
- **Presenting the case** means making oral submissions to the tribunal and 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).

In the following sections we consider separately how to obtain permission for these two options.

Before making either type of application, parties are strongly encouraged to consider the Practical Issues section below.

## 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 MPT.

To ensure that hearing time is used efficiently for the benefit of all parties, we encourage parties to make applications to a case manager before the hearing where they meet the criteria for doing so. Any application to use a video link must comply with the requirements in Annex A.

### Applying to a Case Manager before the hearing

The application must be made at the earliest opportunity and no later than 7 days before the hearing. To make an application to the Case Manager, the following information should be supplied by email to [MPTSCaseManager@mpts-uk.org](mailto:MPTSCaseManager@mpts-uk.org):

<b>Party Applying</b>	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.  Written evidence of agreement to the application from the party responding. Contested applications cannot be considered by a case manager.
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<b>Party Responding</b>	Written confirmation of agreement to the application, if not supplied by the party applying.
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## 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 above must be supplied to the tribunal. Parties are encouraged to prepare and exchange skeleton arguments

<b>Party Applying</b>	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.
<b>Party Responding</b>	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 take into account 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.

### **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 on the basis of 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, the tribunal may consider allowing a doctor to conduct their case by video link or telephone.

### How to obtain permission

Whether a doctor whose case is under consideration is permitted to present the case by video link or telephone, or by engaging through any other remote means, can only be decided by the tribunal at the hearing.

Any application to use a video link must comply with the requirements in Annex A.

### 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 above must be supplied to the tribunal. Parties are encouraged to prepare and exchange skeleton arguments

<b>Party Applying</b>	Explanation of whether video link or telephone use is requested and the reasons why.  Evidence in support of the exceptional circumstances it is claimed support the application for video link or telephone use (for example, this might include medical certification of unfitness to travel or other significant documentary evidence).
<b>Party Responding</b>	Oral or written submissions indicating agreement or objections to the application.

\* It should be noted that parties can apply for a hearing to be held outside of Manchester in exceptional circumstances.

## Guidance for tribunals and case managers

### Considering applications

Both parties must be given the opportunity to make representations before the tribunal reaches a decision on a video link or telephone case presentation application. The tribunal must take into account the representations from the parties and any advice received from the legal assessor or legally qualified chair.

The tribunal must 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, tribunals 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 tribunal must clearly identify the exceptional circumstances which justify allowing the doctor to conduct their case in this way.

On occasion, tribunals 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, tribunal should consider how they 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<sup>\*</sup> it has been stated that 'any culture of adjournment is to be deprecated' and therefore tribunals should be mindful of this when managing proceedings.

When considering the use of video link or telephone case presentation, the tribunal 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 use of video link facilities must comply with the requirements in our technical guidance at Annex A.

### Cost of video link and telephone facilities

The party whose witness is due to give evidence by way of a video link 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.

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 then the hire of a video link facility and 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, video link facility and bridging costs remain 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 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.

# Annex A: Technical guidance for using video link at a MPT hearing

This document provides guidance about our requirements when setting up a video link and answers frequently asked questions.

This document 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. Guidance on how to obtain for permission a witness to be heard by video link is available in our guidance document, [Use of video link, telephone evidence and special measures at Medical Practitioners Tribunal hearings](#).

## Who to contact

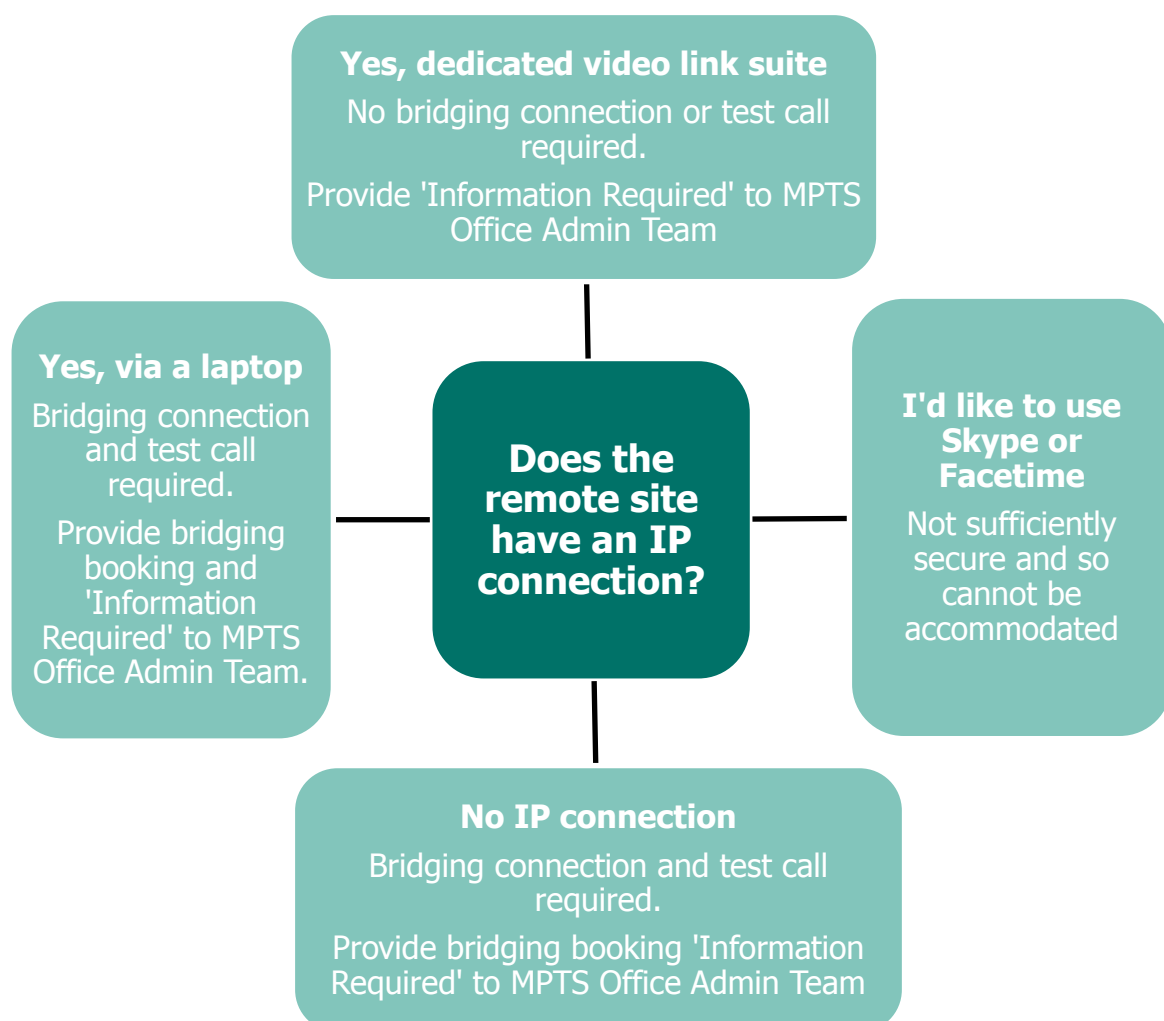
- The MPTS Office Admin team are responsible for booking and setting up video links at MPTS hearings. They can be contacted by email at [MPTSOOfficeAdmin@mpts-uk.org](mailto:MPTSOOfficeAdmin@mpts-uk.org) or by telephone on 0161 240 7160.
- It is the responsibility of parties to ensure that the MPTS Office 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 MPTS Listings before a hearing, or MPTS Tribunal Assistants during a hearing) about a potential video link, they will inform MPTS Office Admin. However, **you must liaise directly with MPTS Office Admin team** in order that appropriate arrangements can be put in place for the video ,
- 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.

## Our technical requirements

A video link is a digital facility which allows a witness attending a **remote site** (i.e. any location other than the hearing room) to be connected visually to a hearing so they can give evidence without attending the MPTS in person.

At our hearing centre we use Polycom equipment, using **IP lines**. IP (or Internet Protocol) is a digital system for connecting a clear and secure video link. There are other connecting systems, such as ISDN, but IP is the system we use because it is more reliable, secure and robust. It is essential that you know the type of connection your proposed remote site will use.

Where the remote site you wish to use does not have an IP connection, a **bridge** or **bridging connection** is required. This is where a third party company is used to securely connect the video call between the remote site and the MPTS. It is the responsibility of the party wishing to use the video link to book a bridge where required. The bridging company used by MPTS is Eyenetwork, who can be contacted on 0333 900 1221 or by email at [info@eyenetwork.com](mailto:info@eyenetwork.com).



## Information required

It is the responsibility of the party wishing to use video link to provide the following information to the MPTS Office Admin Team:

- Contact name, telephone number and email address of the remote site
- Where an IP connection is available, the IP number for the remote site unit
- Name and contact number of the witness giving evidence, if appropriate
- Name of the hearing that the video link is being requested for
- Dates and times that the video link will be required.

If a bridging company is used, further technical information may be requested by them.

## Paying for video link facilities

The party whose witness is to give evidence by video link is responsible for:

- Identifying and paying for a suitable remote site location which the witness will attend. For example, this might be based in a hospital, solicitor's office, hotel or commercial premises.
- The cost of the use or hire of video link equipment at the remote site location (if applicable) and any bridging facility required to ensure that the connection is secure.

The MPTS will dial out to the remote site and will pay for the cost of the video link connection.

## Frequently asked questions

### **When is a test call needed and who arranges this?**

The MPTS Office Admin team will arrange and perform any test calls prior to the start of the hearing if consider that this is needed. If a test call is required during a hearing, this is done by the Tribunals Assistant.

If the call is being bridged by Eyenetwork, they will perform a test call before confirming their booking with the party making the arrangements; if the quality of the connection in the test call is poor, Eyenetwork may advise that a video link should not be attempted.

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.

### **Can the remote site dial into the MPTS if they do not accept incoming calls?**

No, MPTS hearing rooms cannot accept incoming calls on either ISDN or IP. If the remote site does not accept incoming calls then a bridge will be required, via Eyenetwork.

### **Can I arrange a video link with an NHS Trusts?**

Parties often use facilities available at NHS Trusts, although the way in which this is done depends on the location of the Trust and the particular arrangements it has in place. It is the responsibility of the party to contact the applicable NHS Trust to discuss what facilities they may be able to make available.

In our experience the majority of NHS Trusts do not allow incoming video link calls. So, if you wish to arrange a video link with an NHS Trust site in:

- **England & Northern Ireland** – Different NHS Trusts have different arrangements, for example some are able to create a bridge through the N3 conferencing service if they have signed up for this. You should check with the NHS Trust and, if this facility is unavailable, you will need to arrange a bridging connection (explained above) between the MPTS and the Trust.
- **Scotland** – You should liaise with the NHS Trust directly. The NHS Trust needs to email [vc.booking@nhs.net](mailto:vc.booking@nhs.net) to set up a bridge for both sides to dial into.



- **Wales** – You should liaise with the NHS Trust directly. The NHS Trust needs to email [service.desk@wales.nhs.uk](mailto:service.desk@wales.nhs.uk) to set up the video link.

### **Can a witness give evidence from a laptop at home, or at their place of work?**

The MPTS does not permit video calls via SKYPE or FaceTime as this is not a sufficiently secure or robust connection.

IP video link connection to a laptop is permitted, but a bridging connection will be required to make the connection secure. The witness must have a webcam, microphone and speakers of sufficient quality to conduct the video link. They must be alone in a room with no interference or distraction from others.

Parties are also advised to ensure that any witnesses using a laptop have access to a reliable and high speed internet connection. Guidance from Eyenetwork notes that video links between “...IP and laptops are not always stable. The bandwidth available is not dictated by Eyenetwork, but by the service providers at each site, so fluctuations can occur which may result in a poor connection”.

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

We can often accommodate this, although parties must give as the 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 Facilities to obtain the correct equipment.
- Ensure that all requests are copied to MPTS Office Admin staff as they are required to confirm on our 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 you know 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.