

## Health and Care Professions Tribunal Service

# PRACTICE NOTE

## Hearing Venues

This Practice Note has been issued by the Council for the Guidance of Panels and to assist those appearing before them.

### Introduction

Article 22(7) of the Health Professions Order 2001 provides that Panel hearings (including preliminary hearings) at which the person concerned is entitled to be present or represented must be held:

- in the UK country where that person's registered address is situated;
- if not registered, in the UK country where that person resides; or
- in any other case, in England.

These are mandatory requirements which cannot be waived by the HCPC or the person concerned.

### Venues

Although hearings must be held in the relevant UK country, Panels do have a discretion as to exactly where a hearing is held within that country. Hearings do not need to be confined to Belfast, Cardiff, Edinburgh and London. However, before deciding to hold a hearing in a different location, Panels should give careful consideration to the practical and financial implications of doing so.

The HCPC has a purpose built and dedicated hearing centre in London and access to carefully selected hearing venues in Belfast, Cardiff and Edinburgh. Those venues have all of the facilities necessary for conducting hearings, including arrangements for evidence to be given via video-link or other special measures, private consultation rooms for the parties and their representatives, separate retiring rooms for Panels and office support, printing and refreshment arrangements.

Finding equally suitable venues in other locations, at relatively short notice and within the finite resources and funds available may not always be feasible.

### **Procedure**

A request for a Panel to change the venue for a hearing should normally be dealt with by the Panel Chair by means of directions. Only in exceptional cases should it be necessary to hold a preliminary hearing for this purpose.

In reaching a decision on venue, the overriding consideration is to ensure that a fair hearing will take place.

In doing so, the factors to be taken into account include (but are not limited to):

- the personal circumstances of the registrant concerned, for example, whether the registrant is the carer of elderly relatives or young children;
- the needs of witnesses, particularly where special measures may be needed or witnesses are disabled or frail;
- the effect that the location of the hearing may have on the quality of evidence given by witnesses at the hearing;
- the number of witnesses and their respective locations, including the financial implications of witness travel and the impact the hearing may have on the services provided by several witnesses from a single organisation;
- the financial implications for both the HCPC and the registrant concerned, including whether, in the opinion of the Panel, a decision in favour of the HCPC would cause undue hardship to the registrant concerned.