



A STEP-BY-STEP GUIDE TO PERSONAL HEARINGS

The document aims to explain the steps that will be followed at a personal hearing. There are definitions at the end of document for the terms highlighted in yellow. There are separate procedures for anyone under the age of 18 or any adults at risk who are attending, and the document for 'Adults at Risk and Young People in the Discipline Process' should be referred to.

Ordinarily, personal hearings will be held online, usually via Microsoft Teams. An application can be submitted for an 'in person' hearing if required. A Discipline Chair will then decide whether to go ahead online or in person.

The Commission, secretary and charged participant (and their representative if applicable) will be present throughout the hearing, except for the decision-making when the charged participant and representative will be required to leave. Other attendees will be called in as outlined in the steps below.

INTRODUCTIONS

1. Brief introduction from the **Discipline Commission**.
2. Confirm the **charged participant** has seen the charge details and evidence.

EVIDENCE IN SUPPORT OF THE CHARGE

3. The first **association witness** will be called in, asked if there is anything to add, amend or remove from their written statement.
4. Commission members ask questions of the witness.
5. Charged participant (or their **representative**) can ask questions of the witness. The questions must be relevant to defence of the charge.
6. When there are no further questions, the witness can leave.
7. Repeat the process for any further association witnesses.

EVIDENCE IN DEFENCE OF THE CHARGE

8. Charged participant gives their own evidence, and answers any questions from the Commission.
9. Charged participant can call in **defence witnesses**, one at a time.
10. Commission members can ask questions of the witness.
11. Charged participant (or their representative) can ask questions of the witness.
12. When there are no further questions, the witness can leave.
13. Repeat the process for any further defence witnesses.

FINAL SUMMARY

14. Once all the evidence has been heard the charged participant (or their representative) can make closing submissions, this should be a summary of the evidence heard and mustn't refer to any evidence that has not already been disclosed.
15. The **Discipline Chair** should confirm if the charged participant feels they have had a fair hearing and had the opportunity to present their evidence.

DECISION

16. The charged participant (and their representative) leave the hearing and the Commission deliberate in private on the evidence they have seen and heard. They make a decision based on the **balance of probability**.
17. Once a decision has been reached, the charged participant (and their representative) are recalled to the hearing.



18. The **secretary** will announce the decision made by the Commission – either **proven** or **not proven**.
19. If the charge is not proven, the hearing concludes. The outcome will be confirmed in writing.
20. If the charge is proven, the charged participant (or their representative) can provide **mitigation**.
21. The secretary will inform the Commission of any previous offence record.

OUTCOME

22. The charged participant (and their representative) leave the hearing and the Commission deliberate in private on what **sanction** to impose, taking account of any sanction guidelines.
23. The charged participant (and their representative) are recalled, and the secretary will announce the sanction imposed by the Commission. The charged participant will be reminded of their right to appeal the decision. The outcome will be confirmed in writing.

DEFINITIONS:

Association Witness	Someone who has submitted information or a statement that has been used as evidence in support of the charge. This should have been provided to the charged participant at the same time that the charge was raised
Balance of Probability	This is the 'Standard of Proof' used by the Commission, they will decide, based on the evidence available to them, whether it is more likely than not that the incident occurred. It's the normal threshold for most civil disputes, but is a much lower threshold than used in criminal cases
Charged Participant	The person who the charge has been raised against, who has requested a personal hearing
Defence Witness	Someone who is providing evidence in defence of the charge
Discipline Chair (or Chair)	One of the Commission members will lead the hearing and be responsible for producing any Written Reasons that are required. This person is the Chair of the Commission
Discipline Commission (or Commission)	The panel of people (usually three) who read and listen to the evidence and can ask questions. They decide on whether the charge is proven or not proven. If it is proven they will decide on the appropriate sanction
Mitigation	Reasons that the Commission should consider that might mean they give a lower sanction
Not Proven	If a charge is found not proven, it means the Commission think there is not enough evidence to support that the incident happened
Proven	If a charge is found proven, it means the Commission think there is enough evidence to support that the incident happened as outlined in the charge
Representative	A person chosen by the charged participant to ask questions on the participant's behalf and summarise at the end. The representative cannot answer questions that the Commission may have for the person charged in relation to the alleged incident
Sanction	The penalty for the offence, often a suspension and fine. Several other options are available to the Commission, outlined in the sanction guideline document
Secretary	The individual who hosts the hearing and liaises with all individuals to ensure the correct process is followed. The secretary has no influence on the outcome of the hearing