

**Royal Pharmaceutical Society response to the General Pharmaceutical Council** [**consultation on remote hearings**](https://www.pharmacyregulation.org/get-involved/consultations/remote-hearings-consultation)**.**

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The Royal Pharmaceutical Society (RPS) is the professional body for pharmacists in Great Britain. We are the only body that represents all sectors of pharmacy in Great Britain. The RPS leads and supports the development of the pharmacy profession including the advancement of science, practice, education and knowledge in pharmacy. In addition, we promote the profession’s policies and views to a range of external stakeholders in several different forums.

1. **Do you agree or disagree that hearings should continue to be held remotely when it is fair and practical to do so?**

We agree that hearings should continue to be held remotely when it is fair and practical for everyone involved in a hearing. However, it is important that the impact of remote hearings is evaluated as there may well be outcomes that none of us had foreseen.

The pandemic has brought unparalleled challenges that have stretched personal and professional resilience to the limit, but it also brought innovation and transformation like never before. We have seen significant growth of remote meetings and patient consultations across the NHS during the pandemic resulting in greater familiarisation with this way of communication and increasing the agility of services to respond to service demand. By engaging with members and the wider profession the [RPS Future of pharmacy in a sustainable NHS policy](https://www.rpharms.com/recognition/all-our-campaigns/policy-a-z/future-of-pharmacy) identified that the use of remote digital platforms for meetings, consultations and fitness to practice hearings was a key innovation that should be built on.

A key aim of hearings is to improve patient safety, for this to happen registrant engagement with a hearing process is essential. The evidence presented shows that registrants were more likely to attend remote hearing with mostly positive feedback from everyone involved. With better attendance we are more likely to learn lessons from cases and make improvements to support patient safety.

We support the [guidance](https://www.pharmacyregulation.org/sites/default/files/document/remote-hearings-covid-pandemic-guidance-case-suitable-for-remote-hearing-march-2021.pdf) on how the GPhC ensure a case is suitable for a remote hearing updated in April 2020. It is critical that the chair of the hearing communicates proactively and collaboratively with the registrant, representative and, if necessary, any witnesses to discuss and agree that the case can be heard by remote technology. It is important that the registrant is at the centre and the ultimate decision should rest with the registrant. We recognise that there may be occasions, regardless of registrant preference, when it will not be appropriate for a particular hearing to be held remotely. We therefore support a mixed approach, with some hearings in person and some remote to suit the circumstances of each case.

1. **What do you think the advantages would be (if any) of remote hearings?**

A key advantage highlighted in this consultation is that registrants seem more likely to attend a hearing that is held remotely than they are to attend one in person. This offers the opportunity to understand details and learn from cases, ultimately improving patient safety and driving up quality of pharmaceutical care.

Remote hearings also have the potential to improve the timeliness of hearings. In [our response](https://www.rpharms.com/Portals/0/RPS%20document%20library/Open%20access/Consultations/2021/RPS%20Response%2022nd%20Jan%202021%20-%20GPhC%20Consultation%20Managing%20concerns%20about%20FtP.pdf?ver=2021-01-22-122111-010) to how the GPhC manage their concerns about pharmacy professionals the timeliness of processing fitness to practise cases was a concern amongst our membership. A 2020 [PSA report](https://www.professionalstandards.org.uk/publications/performance-review-detail/performance-review-gphc-2019-20) found *‘avoidable or unexplained delays in a high proportion of the cases reviewed’* with the median timeframes having increased in all three of the key stages of the hearing process. The median time from referral to a final Fitness to Practise Committee decision being 98.3 weeks. Hearings can have adverse implications on careers, reputation and wellbeing of everyone involved, we support the additional option of remote hearings when suitable which may improve overall timeliness of hearings.

There are clear benefits for people who find travel difficult, for example, those who have very long travel times to London, people with caring responsibilities, people with disabilities, and some health conditions. The burden of travel should not be underestimated, for many it can be stressful both getting to a hearing and travelling home alone afterwards. For employers they may also have to pay for the witness to attend, for backfill and for a companion if they are also a member of the pharmacy team. This can be very costly and disruptive to the safe and effective supply of medicines and services to the public.

There is also the issue of witnesses making plans (childcare arrangements, booked trains and hotels) to attend GPhC hearings only to find at the last minute that their attendance is not required. This causes issues for witnesses and for other colleagues.

Many individuals find the process of giving evidence at such a formal hearing to be very daunting, the option for people to attend from their own environment should be maintained. While some of the stress may be removed by having a case heard virtually, the registrant could be left feeling isolated afterwards and having a buddy available, even if attending remotely, may help them to reflect on the hearing and process the discussion.

A key element of the RPS [Sustainability policy](https://www.rpharms.com/about-us/sustainability) is reducing unnecessary travel. Remote hearings would offer the added benefit of reducing travel, particularly road travel which is a high contributor to environmental damage.

1. **What do you think the disadvantages would be (if any) of remote hearings?**

A key downside of remote hearings is that they are unable to fully replicate or replace the experience or advantage a panel and parties will have of being in a hearing room and having the ability to engage in person. Not all cases will be suitable for all types of hearings as detailed in the [guidance](https://www.pharmacyregulation.org/sites/default/files/document/remote-hearings-covid-pandemic-guidance-case-suitable-for-remote-hearing-march-2021.pdf) on how the GPhC ensure a case is suitable for a remote hearing :

*‘Where witness evidence and credibility are central to determining a factual issue, and where seeing and assessing the demeanour of the witness is more important, the limitations of laptop or computer screens are likely to make a remote hearing unsuitable’*

In some cases, they may even be unhelpful or have a negative impact. For example, if a hearing is likely to involve detailed cross-examination of witnesses or when witness statements need to be tested. In such cases, interactions and non-verbal signs will be crucial and could be potentially misinterpreted or missed completely in a remote hearing. It may be possible to mitigate against these challenges as people become more familiar with using video calls and through training for all those involved. The GPhC may wish to consider if video-evidence is appropriate for short hearings and less appropriate where witnesses may be expected to provide testimonies over several days.

All hearings can be very stressful for everyone involved. Consideration must be given to how any support can be provided for those attending remotely. Although remote supervision may benefit some, for example victims of sexual abuse or bullying in one way as they would not have the stress of potentially facing the person accused, it may also disadvantage them as they may not be able to access the same level of support through the process as they would in a hearing room.

The technology must not affect the hearing or create inequalities of experience. Remote hearings are not suitable for many, for example for some people with hearing and visual impairments or individuals with neurodiversity, those who don’t have access to a secure internet connection or those that may be very anxious over a technology failing. Also, not all participants will have access or the skills to access remote hearings and some witnesses may find articulating their responses difficult via video-link, particularly if this is about distressing matters.

**4. Do you think there are any circumstances when a hearing should not be held remotely?**

**a If ‘yes’, please describe the circumstances.**

There are many circumstances that a hearing should not be held remotely including but not limited to:

* In some cases, the type of case may not be suitable as detailed above.
* The chair of the hearing, the registrant, representative and, if necessary, any witnesses do not agree that the case can be heard by remote technology.
* A remote process must not be a disadvantage to anyone involved. For some people with hearing and visual impairments or individuals with neurodiversity, those that may be very anxious over a technology failing or people who find articulating their responses difficult via video-link.
* Remote hearings must not widen inequalities. An assessment must be made before any hearing to asses access to technology including internet speed, comfort and privacy.

**5. Do you think our proposals will have a positive or negative impact on each of these groups?**

**• Patients and the public • Pharmacy professionals**

**Please give comments explaining your answer. Please describe the individuals or groups concerned and the impact you think our proposals would have.**

Positive.

We have detailed in our response the positives and negatives of remote hearings. We support the [guidance](https://www.pharmacyregulation.org/sites/default/files/document/remote-hearings-covid-pandemic-guidance-case-suitable-for-remote-hearing-march-2021.pdf) on how the GPhC ensure a case is suitable for a remote hearing updated in April 2020. It is critical that the chair of the hearing communicates proactively and collaboratively with the registrant, representative and, if necessary, any witnesses to discuss and agree that the case can be heard by remote technology, and everyone feels comfortable and supported.

Hearings are often lengthy and traumatic for pharmacy professionals, patients, and the public. These changes have the potential to have a positive effect by improving timeliness of hearings when participants want a remote hearing as well as the accessibility of attending the hearing as individuals will be able to do so without the pressure of travelling to London and coordinating childcare and other responsibilities.

It is important that the impact of remote hearings is evaluated as there may well be outcomes that none of us had foreseen.

**We also want to understand whether our proposals may have a positive or negative impact on any individuals or groups sharing any of the protected characteristics in the Equality Act 2010:**

**• age • disability • gender reassignment • marriage and civil partnership • pregnancy and maternity • race • religion or belief • sex • sexual orientation**

**6. Do you think our proposals will have a positive or negative impact on individuals or groups who share any of the protected characteristics? Please give comments explaining your answer. Please describe the individuals or groups concerned and the impact you think our proposals would have.**

Positive.

We have detailed in our response the positives and negatives of remote hearings. We support the [guidance](https://www.pharmacyregulation.org/sites/default/files/document/remote-hearings-covid-pandemic-guidance-case-suitable-for-remote-hearing-march-2021.pdf) on how the GPhC ensure a case is suitable for a remote hearing updated in April 2020. It is critical that the chair of the hearing communicates proactively and collaboratively with the registrant, representative and, if necessary, any witnesses to discuss and agree that the case can be heard by remote technology, and everyone feels comfortable and supported and ensure they have the correct technology for a remote hearing to be undertaken.

There is potential for unintended consequences in changes to investigation processes and hearings. Therefore, it is important that the GPhC undertakes an impact assessment before introducing change. Changes may also have positive impacts, for example remote hearings are a positive step for witnesses who would otherwise struggle to arrange job cover and childcare cover. However, this may have detrimental impacts on some, particularly on vulnerable witnesses who need additional support when providing evidence.

It is important that the impact of remote hearings is evaluated as there may well be outcomes that none of us had foreseen.