

Best Practice Guidance for Virtual Hearings

Prior to the Virtual Hearing

General Guidance for All Participants

- All people invited to the hearing should check and ensure that they have Microsoft Teams installed and have the necessary equipment to take part in the virtual hearing. Please consult the separate Microsoft Teams Technical Guidance for further information on Microsoft Teams.
- All participants should identify a quiet location for them to take part in the hearing and should try and ensure that they are not disturbed, where possible.
- All participants should sit somewhere with a source of light behind them where possible
- Staff should ensure that the background behind them (that will be visible on camera) is suitable. If this is not possible then staff should ensure that they 'blur' the background using the feature on Microsoft Teams.

HR Representative Guidance

- The HR Representative supporting the hearing will distribute hearing packs to all participants via encrypted email prior to the hearing and in accordance with the notice requirements in the relevant Council Policy. Guidance on how to decrypt the email will also be emailed separately by the HR Representative.
- If electronic hearing packs are not suitable then arrangements will be made for the hearing packs to be delivered in hard copy form via post in accordance with usual custom and practice.
- The HR Representative supporting the hearing will set up the virtual hearing rooms on Microsoft Teams. The following virtual rooms will be set up:
 - **A main virtual hearing room** – this is where the hearing will take place
 - **Breakout room** - for employee and their trade union/representative/workplace colleague
 - **Separate breakout rooms** - for each witness (if applicable)

The virtual rooms can be set up by creating different Teams meetings and inviting specific participants to each meeting. The software will allow participants to join and leave different virtual meetings in real time as and when required, thus

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allowing staff members and witnesses to leave a main virtual hearing room to attend a breakout virtual room instead (perhaps to talk to a representative for example).

- The HR Representative should ensure that all parties are reminded in the letter inviting them to the hearing that the dress code for the hearing is office/business dress even if they are attending from home.
- The HR Representative should also distribute the Microsoft Teams Technical Guidance to all participants via email prior to the hearing.
- The HR Representative will distribute the guidance document “Role of a Witness” to any witnesses prior to the hearing and ensure that all witnesses understand their role in the hearing and their significance and address any queries they might have.
- The HR Representative will also offer the Chair an additional virtual meeting prior to the hearing to discuss the case and address any queries that they might have prior to the hearing.
- The HR Representative will seek written consent from all parties via email prior to the hearing for the hearing to be video and audio recorded using Microsoft Teams. If consent is not obtained from all parties, then a minute taker will need to be present for the hearing.

Chairs of Hearings Guidance

- Prior to the virtual hearing the Chair should ensure that they raise any queries with the HR Representative so that the HR Representative can address these queries prior to the hearing.
- The Chair should also ensure that they have read the hearing pack thoroughly prior to the hearing.

Witnesses Guidance

- Prior to the hearing any witness should have read the guidance document “Role of a Witness” which would have been shared by the HR Representative prior to the hearing
- Any witnesses should also raise any queries they might have with the HR Representative prior to the hearing so that these can be addressed by the HR Representative prior to the hearing.

During the Virtual Hearing

General Guidance for all Participants During the Virtual Hearing

- All participants should mute their microphones when they are not speaking in order to eliminate any background noise.
- All participants should place their mobile phones away from any connected speakers to limit audio interference
- All participants should turn off their mobile phones (or switch them to silent)
- It is advisable for the participants to have the bundle/hearing pack open in a separate tab on their computer for ease of access during the hearing.

Chairs of Hearings Guidance

- At the start of the hearing the Chair should firstly set out some general housekeeping guidelines:
 - The Chair should check that everyone is comfortable with the use of Microsoft Teams and that everyone is comfortable in how to use the software i.e. the use of the chat facility and joining calls etc. If someone is not sure, a brief explanation may be provided. However, it would be expected that all participants have read the Microsoft Teams technical guidance
 - The Chair should remind everyone at the start of the hearing that the hearing is being recorded both on video and audio in line with the consent obtained from everyone prior to the hearing. Alternatively, if consent was not obtained, a minute taker will be introduced during the round of introductions.
 - The Chair will also remind any witnesses that join the main virtual hearing room during the proceedings that the hearing is being recorded both on video and audio (provided that consent was obtained prior to the hearing).
 - If anyone wishes to have a comfort break they should use the chat facility on Microsoft Teams to alert the Chair to this request. The Chair may then approve the request.
 - If anyone wishes to raise a query they may do so by using the chat facility on Microsoft Teams to alert the Chair to this. The Chair may then address the query.

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- The Chair should initiate a round of introductions at the start of the virtual hearing
- If a participant suddenly exits the virtual hearing room (due to lost connection for example) then the Chair should temporarily suspend the progress of the hearing to wait for the participant to re-join. Alternatively, the Chair may announce a temporary adjournment or rest break if appropriate until the participant re-joins to allow other participants time for a comfort break if needed. The Chair can resume the hearing when all participants are present. For the purposes of the recording, the Chair will also note the time the participant got disconnected.
- If a witness joins the main virtual hearing room at the wrong time, the Chair should temporarily suspend the progress of the hearing and ask the witness to remove themselves from the main virtual hearing room until they are invited to the main virtual hearing room.
- If an employee wishes to consult with their trade union representative or workplace colleague, they may do so by requesting this from the Chair using the chat facility on Microsoft Teams. The Chair will then grant this request if appropriate and for the purposes of the recording will note the time the employee and representatives left the main virtual hearing room. The Chair will also note the time the employee and representatives re-join the main virtual hearing room for the purposes of the recording.

Witnesses Guidance

- Prior to the hearing the witness should have read the guidance document “Role of a Witness” which would have been shared by the HR Representative prior to the hearing
- The witness should enter the specific virtual breakout room that they would have been invited to by the HR Representative prior to the hearing.
- When the witness is required to join the main virtual hearing room, the HR Representative will enter the virtual breakout room and request that the witness join the main virtual hearing room at this time. The witness should then join the main virtual hearing room
- When the witness is in the main virtual hearing room if they wish to raise a query/request a comfort break they should do so by using the chat facility on Microsoft Teams.
- When the witness is asked to leave the main virtual hearing room they should leave and re-join the virtual breakout room that they were in previously.

Employees Guidance

- If an employee wishes to take a break from the main virtual hearing room to consult with their trade union representative or workplace colleague, they should request this from the Chair by using the chat facility on Microsoft Teams. If the request is granted the employee and their representatives may then leave the main virtual hearing room and should then join the separate virtual breakout room that would have been set up for this purpose by the HR Representative. Once they have completed their separate consultation the employee and their representatives should re-join the main virtual hearing room.
- In addition to the trade union representative or workplace colleague, the employee may also have 1 family member present sitting with the staff member during the call. This is a reasonable adjustment to our policies considering the pandemic and is designed to provide further support to the employee. The employee should confirm the name of their family member that is acting as support during the introductions at the start of the hearing. Importantly, the family member can act as support only, and cannot speak on behalf of the employee unless for a medical reason where this might be treated as a further reasonable adjustment.
- When the employee is in the main virtual hearing room if they wish to raise a query/request a comfort break they should do so by using the chat facility on Microsoft Teams.

HR Representative Guidance

- At the start of the virtual hearing, the HR Representative will start recording the hearing
- During the hearing the HR Representative will be required to exit, join and rejoin different hearing breakout rooms and the main virtual hearing room so that witnesses enter the room when required.
- The HR Representative will also provide HR support during the virtual hearing as they would normally do for any normal hearing.

After the Virtual Hearing

- The panel will follow the usual Council procedure in accordance with policies and the Chair of the hearing will prepare an outcome letter which will be delivered by

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the HR Representative electronically via encrypted email within the timescales prescribed by the relevant policy

- The staff member will also be informed of any appeals procedure at this time in the same email sent by the HR Representative.
- The video and audio recording of the hearing or the minutes of the hearing will be sent to all parties by the HR Representative.