

Legal Member Instructions Version 3.0

Introduction

1. What follows is a full set of instructions for you as convener, with an appendix from BT, concerning the various commands for the system (**Commands Sheet**). The hearings clerk has a corresponding set of instructions. This is our latest version. We anticipate having to make changes in the light of experience. The medical and general members are receiving a shorter version, with this introduction and the main points.
2. This is a virtual hearing, rather than a physical one. Many features of physical hearings can, however, be replicated in a teleconference. In general terms, the procedural requirements from our Act and Rules will still apply. The conference should be regarded as a gathering, but at the telephone number rather than at a hearing venue. Recording of the proceedings will still take place, by the clerk, using the normal recording devices. Unlike most physical hearings, the clerk will attend for the whole duration of a virtual hearing.
3. Any member (and any professional attending) should only participate from an appropriate location. This will need to be a quiet place, where you will be alone. If you call from home, you should be alone in a room. The same is true if participating from an office or other business premises. Please do not use a speaker phone unless it is unavoidable, for example if more than one person is using the same telephone line.

45 minutes prior to the hearing start time

4. Call the hearings clerk on their mobile number (texted to you by the clerk in advance), to check in with the clerk and confirm whether there are any last minute emails or productions you should be aware of etc. Distribution of last minute material at the hearing may not be possible. In that situation, you will need to read out or paraphrase what you have been given.
5. Agree with the clerk when the hearing will commence. For the benefit of all attendees, this should be at the appointed time. Even if it is known that someone is running late, there should still be some contact at the appointed time to tell everyone what is happening. Lateness could be a situation in which to use the '**brief adjournment**' process outlined below. If a longer adjournment is required to allow someone to arrive, follow the '**End of Part 1 / Part 2**' process below.
6. Now move to the pre-hearing discussion, to start 30 minutes prior to the hearing time. The medical and general members will attend the conference at this time.

30 minutes prior to the hearing start time: Pre-hearing discussion

7. The clerk will attend the pre-hearing discussion, dialling the 0800 number provided and using the chair person code.
8. Dial the 0800 number provided to you for the conference call. When prompted, enter the **participant code** followed by the # key.
9. Once all three members have arrived, the clerk will lock the call by pressing *5. Then the pre-hearing discussion will start. Aim to finish at least ten minutes before the hearing start time.

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10. At the end of the discussion, all members should hang up. The clerk will hang up to end the pre-hearing discussion – Be aware that the line will remain live for 5 minutes after the chairperson hangs up, so parties may remain on the line.

At the hearing start time – Part 1

11. The **hearings clerk** should open the conference line using the chairperson code followed by the # key
12. A recording will then confirm if the hearings clerk is the first caller.
13. As parties join into the call, there is an audible noise to say when someone joins or leaves
14. The **hearings clerk** should introduce themselves and confirm the identity of any participants currently on the line and the identity if anyone else present at their end of the call, in case there are observers not known to the tribunal.
15. The **hearings clerk** should then advise the callers that they should wait until they are ready to commence the hearing.
16. The **hearings clerk** should also advise the caller(s) that they can hear each other while waiting.
17. Once you judge that everyone has arrived, you will ask the hearing clerk to lock the call by pressing *5. Then confirm who is present on the call by introducing yourself, and by asking each party to confirm their identity and the identity of anyone else present with them at their end of the call. Explain to those attending that the whole hearing is taking place by conference call – even the members are all at separate locations.
18. You should ensure that only one person speaks at any time and must ensure that the identity of any person speaking is made known to all participants, probably every time someone speaks.
19. You should give all parties an opportunity and time to speak. (Be sensitive to the tone of voice used and lack behavioural cues when parties are communicating on the conference call).

If a brief adjournment is required:

20. Short adjournments will be difficult to manage and should be avoided if possible. However, if the parties request a break, you should advise the parties that the proceedings will be briefly adjourned and that they remain on the line. This may be sufficient for an adjournment of under 5 minutes
21. For any adjournment longer than five minutes, you will set a fixed time – say ten minutes – then end the call for everyone, saying that the hearing will resume at a specified time, using the same process as at the start of Part 1. After that time has passed, proceedings should resume, with everyone beginning again as at the start of proceedings.

End of Part 1 of the hearing:

22. When you reach the point where they have heard enough evidence to enable you all to reach a decision, you should confirm with the other members that they feel that they have heard sufficient evidence to make a decision. You should then adjourn the proceedings and should then specify the time that you wish parties to call back into the conference line to hear the decision. The parties should be instructed to leave the call to allow the panel to reach a decision.

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23. The **hearings clerk** will hang up to end the hearing, **this line will remain open to all parties for at least 5 minutes.**
24. You will then call back into the conference line and instruct the hearing clerk to lock the call by pressing *5. This will allow you to discuss the hearing with the other members and reach a decision.

Part 2 of the hearing

25. When you are ready to resume, You will request the clerk to open the call and allow parties to rejoin the hearing (using *5). The hearing clerk will confirm when all parties have rejoined the call.
26. **the legal member** should intimate this to the clerk and if parties are on the line waiting to join allow them to reconnect to the hearing by unlocking the line (using *5).
27. You will announce the decision, as would happen at a physical hearing.
28. Particular care should be taken to avoid abruptly ending the call. If the decision is to adjourn the hearing, with or without an interim order, there will need to be discussions involving the clerk about arranging a further hearing. You will explain also that the Order will be prepared and issued immediately after the decision has been reached, as usual. The FFRs will follow thereafter.
29. When all intimations are concluded, and arrangements made for any future hearing, the **hearings clerk** will hang up, **this line will remain open to all parties for at least 5 minutes.**

Documentation

30. To allow preparation of the Order, the clerk will upload the form to the secure area of the website, where the papers already are. As convener, you will complete the form, including typing in their name as a signature. If difficulty is experienced in any part of this exercise, the clerk should be contacted by phone or email and told what alterations need to be made. When you are content with the form, you should proceed to type in their signature. Once the 'signature' has been added, you will re-upload the completed form. The medical and general members should read it at this point and send a message to the clerk immediately if they think there is a mistake. Messages for clerks should be sent to MHTSHearingsOps@scotcourttribunals.gov.uk
31. Once Part 2 of the hearing is complete, you will prepare the FFRs as usual. These will need to be uploaded to the secure area for revisal by the other two members, and this process will run using the existing instructions. 'Guidance on sending paperwork' will permit naming with the end of the description reflecting that this is a second version of the FFR. Thus, you could call the first version 20_06_12345_FFRdraft or call the second version FFR final, or number them sequentially (FFR1 and so on). This is all consistent with the need for unique file names for each document, even if only small changes have been made between versions. It is also necessary to date your document with a date in the future, to prevent deletion during the finalisation process.
32. If you need a further discussion with the other members to finalise the decision, this can take place by ordinary email provided no personal data is included, or by conference call using an i-phone, or Fiona Queen can also arrange a further teleconference for you using a BT line if you contact her.
33. The FFR needs to be signed by you. You should type in your name, or add a pdf of your ordinary signature, and then upload the finished document. Please place the draft FFRs on the website as soon as possible, and no later than 7 days after the hearing.

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NOTE

A checklist has been prepared to assist you with this process please find this in **Appendix 2.**



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BT Conferencing: Using touchtone commands

Chairperson & participant commands	
* *	Conference help menu: Lists all of the touchtone commands available to you
* 6	Mute your line: Reduce background noise on the call if you are in a noisy environment; to unmute your line, press * 6 again
* #	Participant count: Counts the number of participants on your call
Chairperson-only commands	
# #	Mute/unmute all: To unmute all lines, press 99 again.
* 6	Mute your line: Reduce background noise on the call if you are in a noisy environment; to unmute your line, press * 6 again
# 6	Mute/ Unmute attendees on entry
* 5	Lock/unlock your conference: To control your meeting and ensure no one else can enter you can lock your conference call; to unlock your line, press * 5 again
* 8	Conference continuation: Allows participants to remain in a conference once the chairperson hangs up
Hang up	End conference: At the end of your conference hang up. However the line remains live for 5 minutes after the chairperson hangs up

* Additional charges are subject to your terms and conditions.

If you require support before or during your call, contact Hosting Services via the desk online or via 0131 444 3333

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Guidance on Sending Paperwork Via MHTS Website to MHTS Tribunal Members

Preparing documents to upload

1. Open the document that you intend to send to MHTS Tribunal Members.
2. If the document is a PDF, then to save it click '**Save a copy**'.
3. If the document is a Word document to save it, select '**Save as**' from the '**File**' menu.
4. Save the document to your folder on your computer, taking care to use the following naming convention:

YY_MM_12345_CTO1

For example, the FFR for case 07/11/12345/S063 should be named

07_11_12345_CTO1.

Repeat steps 1–4 for each document relating to the case to be sent to the member(s).

FILE NAMES MUST BE UNIQUE. PLEASE ENSURE ALL OF THE FILES YOU INTEND TO UPLOAD HAVE DIFFERENT NAMES.

IN CASES WHERE SEVERAL VERSIONS OF ONE DOCUMENT REQUIRE TO BE UPLOADED (FOR EXAMPLE DRAFTS AND FINAL VERSIONS OF THE FFR), PLEASE GIVE EACH VERSION A UNIQUE FILE NAME, FOR EXAMPLE:

YY_MM_12345_FFRdraft

or

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YY_MM_12345_FFR2

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Sending to Tribunal Members

Upload the document(s)

1. Log in to the MHTS Website.
2. Navigate to the Tribunal Members Area by clicking '**Judicial Members' Area**' in the main menu.
3. Log in to the Judicial Members' Area using your unique username and password.
4. Select '**Admin Send Document**' from the 'Judicial Members' Area' sub menu.
5. Type the member's surname in the '**Member name**' field, then click '**Search**' (the field will successfully search on all or part of a name e.g. Smith or Smi). A list of search results will appear, showing all members with the combination of letters you searched for.
6. Check the check box beside the member to be selected, then click '**Add**'.
7. Repeat steps 5 to 6 for each tribunal member to receive the document(s).
8. Once you are satisfied that all intended recipients are listed on the 'Send a Document' page, click '**Proceed to document sending**'.
9. On the document details page, please complete ALL fields.
10. Enter the '**Hearing Date**' in the format **dd-mmm-yyyy** e.g. **16-OCT-2020**

(Please note paperwork is automatically deleted from website once the hearing date has passed. Please enter 10 days from the current date as the hearing date to give your recipients' enough time to access the paperwork)
11. Enter a description of the paperwork being sent in the '**Description Box**'.
12. Enter the Case Reference in the '**Case Reference Box**' in the format e.g.

YY_MM_12345_CTO1.

13. In the '**Classification**' box ensure this is set as **Electronic Papers**.
14. In the '**File**' box, click '**Browse**' and navigate to the file that you have saved in a folder on your computer.
15. To send further documents, click the next '**Browse**' button, then repeat step 14 for each additional document to be sent.
16. Click the '**Send**' button.
17. There will be a delay at this stage, as each document to be sent is uploaded

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to the website.

18. Once the documents are successfully sent, you will see a message stating **'Your document has been sent successfully. The email notifications were sent successfully'**, followed by a list of each address notifications were successfully sent to.
19. When complete, click **'Logout'** on the 'Tribunal Members Area' sub menu.

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Sending to Administration

Guidance on Sending Paperwork Via MHTS Website to MHTS Administration

Preparing documents to upload

1. Open the document that you intend to send to the MHTS Administration.
2. If the document is a PDF, then to save it click '**Save a copy**'
3. If the document is a Word document to save it, select '**Save as**' from the '**File**' menu
4. Save the document to your folder on your computer, taking care to use the following naming convention:

YY_MM_12345_CTO1

For example, the FFR for case 07/11/12345/S063 should be named

07_11_12345_CTO1.

Repeat steps 1–4 for each document relating to the case to be sent to the member(s).

FILE NAMES MUST BE UNIQUE. PLEASE ENSURE ALL OF THE FILES YOU INTEND TO UPLOAD HAVE DIFFERENT NAMES.

IN CASES WHERE SEVERAL VERSIONS OF ONE DOCUMENT REQUIRE TO BE UPLOADED (FOR EXAMPLE DRAFTS AND FINAL VERSIONS OF THE FFR), PLEASE GIVE EACH VERSION A UNIQUE FILE NAME, FOR EXAMPLE:

YY_MM_12345_FFRdraft

or

YY_MM_12345_FFR2

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Sending to Administration

Upload the document(s)

1. Log in to the MHTS Website.
2. Navigate to the Tribunal Members Area by clicking '**Judicial Members' Area**' in the main menu.
3. Log in to the Judicial Members' Area using your unique username and password.
4. Select '**Admin Send Document**' from the 'Judicial Members' Area' sub menu.
5. Type the name '**order**' into the 'Member Name' field, then click '**Search**'.
6. Tick the check box next to '**MHTS Order and FFR**', then click '**Add**'.
7. Once you are satisfied that all the recipients have been selected and listed on the 'Send a Document' page, click '**Proceed to document sending**'.
8. On the document details page, please complete ALL fields.
9. Enter the '**Hearing Date**' in the format **dd-mmm-yyyy** e.g. **16-OCT-2020**

(Please note paperwork is automatically deleted from website once the hearing date has passed. Please enter 10 days from the current date as the hearing date to give your recipients' enough time to access the paperwork)

10. Enter a description of the paperwork being sent in the '**Description Box**'.
11. Enter the Case Reference in the '**Case Reference Box**' in the format e.g.

YY_MM_12345_CTO1

12. In the '**Classification**' box ensure this is set as **Electronic Papers**.
13. In the '**File**' box, click '**Browse**' and navigate to the file that you have saved in a folder on your computer.
14. To send further documents, click the next '**Browse**' button, then repeat step 13 for each additional document to be sent.
15. Click the '**Send**' button.
16. There will be a delay at this stage, as each document to be sent is uploaded to the website.
17. Once the documents are successfully sent, you will see a message stating '**Your document has been sent successfully. The email notifications were sent successfully**', followed by a list of each address notifications were successfully sent to.
18. When complete, click '**Logout**' on the 'Tribunal Members Area' sub menu.