

Instructions for Medical and General Members – Version 3.0

1. Introduction

1.1 These revised instructions complement the fuller version provided to legal members, who are responsible for convening a hearing held by teleconference. Clerks, who will be using the 'chairperson' code, also have specific instructions. We have appended the Commands Sheet from BT, which lists the different facilities available in teleconferencing. We have also appended the guidance on uploading documents to the members' area of the MHTS website, since you will need that.

1.2 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.

1.3 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 calling 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 unavoidable, for example if more than one person is using the same telephone line.

2. 30 minutes prior to the hearing start time: Pre-hearing discussion

2.1 The Clerk will attend the pre-hearing discussion, dialling the 0800 number provided and using the chairperson code.

2.2 Dial the 0800 number provided to you for the conference call. When prompted, enter the **participant code** followed by the # key.

2.3 At this point you will be prompted (by a recording) to say your name aloud to identify yourself on the call. You will then hear this played back to everyone on the call.

2.4 Once all three members have arrived, the legal member will ask the clerk to press *5 to lock the call. Then the pre-hearing discussion will start. **Aim to finish at least ten minutes before** the hearing start time. 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 clerk hangs up, so parties may remain on the line.

3. At the hearing start time – Part 1 of the hearing

3.1 The hearings clerk will be using the chairperson code.

3.2 Dial the 0800 number provided to you for the conference call. When prompted, enter the **participant code** followed by the # key.

3.3

3.4 Once it has been judged that everyone has 'arrived', the legal member will ask the clerk to press *5 to lock the call. Then the legal member will confirm who is present on the call by introducing themselves and asking each party to confirm their identity and the identity of anyone else present with them at their end of the call.

3.5 **Legal members have been asked to ensure** that only one person speaks at any time and they must ensure that the identity of any person speaking is made

known to all participants, probably every time someone speaks.

3.6 **All parties** must have an opportunity and time to speak. (Be sensitive to the tone of voice used and lack of behavioural cues when parties are communicating by conference call). It may help to speak more slowly than usual, both to maintain a sense of calm and to facilitate interjections by others trying to make a point without missing the moment.

4. If a brief adjournment is required

4.1 **Short adjournments will be difficult to manage, and should be avoided if possible.** However, **if a patient requests a break**, the legal member will advise the parties that the proceedings will be briefly adjourned, and that they should remain on the line. This may be sufficient for an adjournment of under five minutes.

4.2 For any adjournment longer than five minutes the legal member should **set a fixed time** – say ten minutes – then end the call for everyone, saying that it will resume at that time, using the same process as at the start of **Part 1**. After that time has passed, please resume, with everyone beginning again as at the start of proceedings.

5. End of Part 1 of the hearing

5.1 At the point where members have heard enough evidence to enable them to reach a decision, the legal member should confirm with other members that this is the case. For the purpose of resuming proceedings, the legal member can intimate a time for everyone to dial in again, at which point they will give the decision if ready, or set a further time for reconnection if members require more time for discussion.

5.2 The hearings clerk will hang up – Be aware that the line will remain live for 5 minutes after the clerk hangs up, so parties may remain on the line

5.3 Members will then **reconnect** with one another, using the same procedure as they did to join the call in the first place, to discuss their decision in the usual fashion (it is not possible for the clerk to selectively eject).

6. Part 2 of the hearing

6.1 When the decision is reached, the members should agree (if they have not already done so) how the FFR will be finalised among them. The hearing should then resume using whichever of the methods set out in section 5 has been chosen.

6.2 **Part 2** of the teleconference should then take place, following the same steps as were used to initiate **Part 1**.

6.3 The convener will announce the decision, as would happen at a physical hearing.

6.4 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.

7. Documentation

7.1 To allow preparation of the Order, the Clerk will upload the form to the secure area of the website, where the papers already are. The convener will complete the form, including typing in their name as a signature. Once the 'signature' has been added, the convener 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@scotcourtribunals.gov.uk.

7.2 Once **Part 2** of the hearing is complete, the legal member will prepare the FFR 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.

7.3 If members need a further discussion 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.

The legal member has been asked to place the draft FFR on the website within 7 days of the hearing. Medical and general members should provide any comments within 48 hours of receiving intimation that this document has been uploaded.

18 June 2020

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

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

YY_MM_12345_FFR2

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 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.

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

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)

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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.