



Policy for
conduct of hearings

- 1 All ACCA disciplinary and regulatory hearings are listed by default as 'remote' hearings, ie hearings conducted via Microsoft Teams.
- 2 ACCA's experience of conducting a wide variety of hearings remotely since March 2020 has been overwhelmingly positive. As ACCA is required to conduct many of its hearings in public, we believe that it has also made it easier and more convenient for hearings to be 'attended' by members of the public. The success and efficiency of remote hearings when ACCA's offices were closed due to COVID restrictions has resulted in remote hearings becoming a more permanent feature of ACCA disciplinary and regulatory hearings.
- 3 Should a member or future member consider in the interests of fairness, a non-remote or face to face hearing is necessary, it remains open to them to apply to a chair for an appropriate direction. The chair will consider all applications on their merits.
- 4 This policy document sets out ACCA's position in broad terms.
- 5 Subject to any specific direction of a committee or chair and in the interests of fairness, the listing of hearings and the associated arrangements are a matter for ACCA.
- 6 Remote hearings can be conducted in a way which ensures in the vast majority of cases, that they are conducted in a fair and efficient manner, even in complex and multi-day hearings. As such ACCA intends to continue to adopt a 'remote first' approach to its delivery of hearings.
- 7 If a member or future member or their representative seeks an in-person hearing, they should be able to demonstrate their case is exceptional. No exhaustive list can be provided as to what grounds may be regarded as 'exceptional' by ACCA and therefore warranting an in-person hearing. The following factors or any combination of them, may be regarded as exceptional:
 - a age and or disability of the member or future member;
 - b where the member or future member has no access to computer/broadband;
 - c where there are multiple witnesses of fact and the management of a remote hearing would accordingly be complex/inefficient;
 - d where the credibility of witnesses of fact including the member or future member is particularly in issue and there is good reason why a witness cannot appear on camera at a 'virtual' hearing;
 - e any other substantial reason which justifies an in-person hearing in circumstances where 'fairness' could not be achieved if the hearing was to take place remotely.
- 8 'Remote hearings' have become a feature of disciplinary and regulatory proceedings and hearings before the Courts and case law supports the view that for the vast majority of hearings, remote hearings are suitable¹ and exceptional cases tend to be those involving vulnerable witnesses and other features not normally encountered in ACCA proceedings.
- 9 The continued use of 'remote hearings' for ACCA proceedings ensures the fair, economical, expeditious and efficient disposal of allegations made against members and future members.

ACCA
April 2022

¹ See *One Blackfriars* [2020] EWHC 845 (Ch) and *Municipio de Mariana & Others v BHP Group PLC* [2020] EWHC 928 (TCC). (See also Practice Direction 51Y – Video or audio hearings during the Coronavirus pandemic.)



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Think Ahead