

# **REMOTE HEARING PROTOCOLS DURING THE COVID-19 EMERGENCY**

## **INSTRUCTIONS TO PANELS**

### **1. Introduction**

- I. The President of the Valuation Tribunal for England (VTE) has decided that in light of this health pandemic emergency and social distancing requirements, it will not be practical to hear cases in the usual face-to-face way. Therefore, remote or online hearings will be the default position for the foreseeable future, this will be using the Microsoft Teams video facilities or other suitable platforms supported by the VTS, telephone or a combination of the two.
- II. Proceedings conducted in this manner will be referred to as “remote hearings”.
- III. Members of the public may wish to observe hearings. Where this occurs, you will be advised.
- IV. The decorum of the hearing is paramount, and the President expects the behaviour of panels to be beyond reproach and for the parties to receive the same treatment as that for face-to-face hearings.
- V. In a remote hearing environment, it is common for parties to focus far more on your actions than they might do at a face-to-face hearing. There are also potentially more distractions for you such as emails being received on your IT device and background from your home environment, please turn these facilities off or to silent. Please remove any potential distractions during the hearing.

### **2. Preparing for an Online Hearing**

- I. As in normal circumstances, you will be provided with details of a case and hearing date. Please check your availability.
- II. You will then receive an email invite with details of the hearing date. On the day of the hearing you will need to connect to the hearing in accordance with the details provided. Please ensure you connect prior to the hearing time.
- III. Prior to the hearing you will receive details of the case to be heard. There should be one consolidated bundle sent to you of all the

evidence and argument. Please ensure you read the case in advance so that you are familiar with all the evidence and arguments. This will make the hearing more manageable.

- IV. Initially only one case will be listed for each hearing, but this will increase once everyone is familiar with the process. Time slots will be given where multiple cases are to be heard.

### 3. Joining the hearing

- I. It is recommended wherever possible you use earphones or a headset with microphone, as this will provide optimal audio experience for all. If that isn't possible try and ensure you are based in a quiet room.
- II. Avoid sitting with your back to a window or bright light source as it may distort your identity.
- III. Use the background provided by the VTS.
- IV. Close doors around you to avoid unexpected visitors/interruptions.
- V. Mute other devices and apps (particularly emails!!!).
- VI. Keep your camera on all the time and your microphone on when speaking.
- VII. Keep your microphone off when not speaking.
- VIII. Assume when you join that others are already listening in so wait for VTS staff to advise you who is also online. They will also advise you of when others join the hearing. A member of staff will also be present just to monitor the connection with the parties and your colleague.
- IX. Make sure the hearing bundle is accessible to you on screen whilst the hearing is taking place.

### 4. The Hearing

- I. The chairman must read the introduction and advise if the panel have already read the case. If that is the situation then the parties do not need to provide the case in full again, just the main points.
- II. The chairman will control proceedings and invite everyone else when to speak. Normal VTE etiquette should be applied and the panel members should address parties and the clerk formally.

- III. If you have poor internet connection, please advise everyone. The hearing **MUST** not proceed without both parties being able to participate.
- IV. Also advise the parties if there are likely to be unavoidable interruptions and these will be catered for (such as deliveries, childcare issues etc).
- V. Proceedings will be adjourned when there is a break in the connection. Once the connection is back, ask the parties to carry on proceedings, picking up with them at the stage the hearing was when the connection broke.
- VI. The procedure should follow that of a face-to-face hearing with one party going first (usually the appellant) and questions at the end of the presentation. If a witness is to be called, try and arrange with the party when they would like that to occur and just follow normal procedure.
- VII. The chairman controls proceedings and advises parties when to speak. There should be no need for a party (or panel member) to interrupt another party. If for any reason a party needs to interrupt proceedings, they should either virtually raise their arm through the Teams system, or if that is not available physically raise their arm on camera. Parties are to be encouraged to avoid any interruptions and if interruptions are required, to keep these to a minimum.
- VIII. Where the parties refer to a document, the page number (and ideally paragraph numbers), the chairman must advise when he has found it.
- IX. The chairman must advise parties to only ask one question at a time. They must then await the answer before speaking again and not interrupt the other party's response.
- X. Where breaks are required, the chairman must remind everyone to ensure that their microphones are turned off and that they return promptly as directed. It is sensible, depending on the time taken on each case, to break after each presentation.
- XI. The panel should be suitably attired for a hearing as though the parties were present. There is an expectation the parties will be similarly dressed.
- XII. At the end of the hearing both parties will be invited to sum up. Then the chairman will ask them to temporarily leave the hearing and they

should switch off the call but await further instructions. The panel must check with the clerk that either the panel have all the information they require or that they wish to continue proceedings through Teams. The clerk will contact the parties within 5-10 minutes of the hearing ending to confirm this.

- XIII. Once the clerk has confirmed that the parties have been told that the panel have all the information required the discussion about the decision can commence.
- XIV. Finally, if the panel wish to inspect this can take place, but government guidance regarding COVID-19 must be adhered to. Safety is paramount in such circumstances. Parties can be directed to produce pictures if they would help as an alternative to an inspection.

**Gary Garland**

**President**

29 July 2020