

**Equality Impact Assessment**  
**Format of hearings consultation**

**Part 1: Introduction and purpose**

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| Consultation title:             | Format of hearings  |
| Date of consultation:           | 23 November 2023 to 15 February 2024  |
| Team carrying out the EIA:      | GDC Policy, In-House Legal Advisory Service, People and Organisational Development, Fitness to Practise, and input from the Dental Professionals Hearings Service (the hearings service).   |
| Initial date of implementation: | The policy has been operating since 2020.   |
| Purpose of this EIA:            | The purpose of this Equality Impact Assessment (EIA) is to demonstrate how the GDC had considered some of the impacts of remote hearings on participants with protected characteristics, based on information collected during the public consultation, available GDC-commissioned research, and research and evidence from other organisations. It provides examples of mitigation measures we have taken to support participants in hearings. It identifies gaps in our understanding of these impacts and highlights areas for further research.   |
| Reason for consultation:        | <p>Most hearings at the GDC have been held remotely since 2020, initially as a temporary measure in response to the COVID-19 pandemic and national lockdowns. The policy operated on a 'default' basis, but registrants and the GDC had the option to ask for a different format. Revised guidance for panels who may be asked to determine the format was published in January 2022 (applicable to practice committees). Between January 2022 and July 2023, the remote hearing by 'default' has been operating without issues of significant concern, with nearly 90% of substantive and 100% of Interim Order Committee (IOC) hearings held remotely. The GDC decided to consult on making the arrangements permanent in November 2023.</p> <p>Prior to publishing the consultation, we reviewed available GDC research, and evidence from other regulators and organisations with experience in remote hearings. It indicated that overall, younger, female, lower paid or disabled participants could benefit the most from a hearing held remotely and according to</p> |

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| <p>Reason for consultation (continued):</p> | <p>some findings, could be more likely to attend remote hearings. Conversely, vulnerable, lone, unrepresented, or older participants, could find it more difficult to participate effectively in a remote hearing.</p> <p>The consultation issued included specific questions about the impact of remote hearings on participants with protected characteristics, dental professional roles, and access to resources. It is more usual to provide an EIA before a consultation, but the GDC Executive Leadership Team (ELT) Board and the Council agreed with our proposed approach to use the responses to these questions, together with other available information, to inform a full EIA for this policy after the consultation.</p> <p>The development of this EIA has helped us to systematise what we know about different impacts and identify any gaps in our knowledge. For example, we gained a better understanding of how the GDC assesses the needs of hearings participants, mitigates any identified negative impacts, and learns from this.</p> <p>It has also shown us that our understanding of evidence of impacts on some groups is incomplete. For example, we do not collect and analyse data on whether a protected characteristic plays any role in the registrant's request for a different format. We don't report on whether any groups are over- or under-represented in different hearing formats, and we don't know if protected characteristics are routinely considered when deciding on the format of a hearing. We have recommended that this information should be gathered, and that any analysis should be fed back for improvements. We have provided our recommendations about gathering and reporting on this.</p> |
| <p>Who was consulted for this proposal?</p> | <p>This section relates to the consultation, as described above.</p> <p>The consultation was available on the GDC's website for 12 weeks. It was promoted to all dental professionals on the register by email at the start of the consultation and again before it closed, and via GDC's social media channels. We did not target specific groups with protected characteristics or individuals.</p> <p>We received 66 responses, of which, four came from 'members of the public or patients', two from students or recent applicants to the register, and 40 from dental professionals (29 dentists, five dental nurses, four dental therapists and one clinical dental technician).</p> <p>20 responses came from the organisations, most of which represented dental professionals or businesses or provided services to them, including indemnity services.</p>   |

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| How would you intend to communicate or consult in relation to the actions and proposals for improvements? | The insight from this EIA will be fed into the GDC consultation our report.<br>This EIA will also inform the monitoring exercise mentioned above. |
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## Part 2: Evaluation of impacts on characteristics and associated evidence

**Scoring matrix:** Each protected characteristic will receive a score based on the likelihood of impact based upon this protocol. Table 1 below displays the measures of probability used to assess impact based on the proposal. Table 2 explains the level of severity and type of impact that may be expected as a result of this policy.

**Table 1. Probability**

| Descriptor    | Level | Description  |
|---------------|-------|--|
| Rare          | 1     | The probability of these impacts on registrants, witnesses, and/or the public is rare.           |
| Unlikely      | 2     | The probability of these impacts on registrants, witnesses, and/or the public is unlikely.       |
| Possible      | 3     | The probability of these impacts on registrants, witnesses, and/or the public is possible.       |
| Likely        | 4     | The probability of these impacts on registrants, witnesses, and/or the public is likely.         |
| Highly likely | 5     | The probability of these impacts on registrants, witnesses, and/or the public is almost certain. |

**Table 2. Severity and type of impact**

| Descriptor | Type | Description   |
|------------|------|---|
| Positive   | A    | These types of impacts may be positive for the registrant, witnesses, and/or the public.  |
| Negative   | B    | These types of impacts may be negative for the registrant, witnesses, and/or the public.  |
| Neutral    | C    | These types of impacts may not have a positive or negative impact or may have a mixed impact on the registrant, witnesses, and/or the public. |

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| <p>What information has been analysed or gathered to inform this consultation?</p> | <p>To support the development of this EIA, we conducted a public consultation on the policy proposal. The consultation included two separate questions about impacts of remote hearings on participants with one or more of the nine protected characteristics listed in the Equalities Act 2010. The purpose was to gain insight into the respondents' understanding of these impacts.</p> <p>The respondents were not pre-selected nor were they asked to disclose which protected characteristics they had or if they had participated in a remote hearing. However, many respondents told us that they had participated in a remote hearing or that they responded on behalf of registrants who had.</p> <p>Additionally, we have conducted review of available GDC research and relevant research by other regulators and organisations with experience of remote hearings mentioned above, including:</p> <ul style="list-style-type: none"> <li>• A 2021 internal GDC statistical analysis of Fitness to Practise (FtP) data (copy on file), which found no statistically significant link between the format of the hearing and the outcome, found a link between non-attendance and more severe outcomes for the registrant.</li> <li>• <a href="#">Research into experiences of participants in FtP proceedings</a>, published in November 2022. Based on observations of four remote hearings and several interviews with participants and GDC staff, the researchers recommended that the GDC continued to provide remote hearings, which they said were particularly beneficial to female, lower paid or younger registrants, but recommended several areas for improvement such as reducing operational issues to improve satisfaction with remote hearings, providing more appropriate support, giving more attention from the panel and others to non-verbal communications, and addressing any wellbeing issues faced by lone or unrepresented participants.</li> <li>• The consultation referenced (page 4) two pieces of research from the Health and Care Professions Council (HCPC) and the General Pharmaceutical Council (GPhC). The <a href="#">HCPC research</a> found “increased registrant attendance” when hearings were held remotely. The GPhC also found “increased engagement and attendance”, as noted in its <a href="#">May 2022 Council document</a>. From these pieces of research, we believe that some registrants may find it easier to engage with virtual hearings over one to one, and that our proposal will increase participation, just as it has for the other regulators.</li> <li>• A <a href="#">HM Counts and Tribunals Service (HMCTS) article</a> published in January 2024 found that remote hearings built “flexibility and resilience into the justice system”. In response to the COVID-19 pandemic, HMCTS began using their Cloud Video Platform (CVP) in courts and tribunals, specifically designed for</li> </ul> |
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| <p>What information has been analysed or gathered to inform this consultation?<br/>(continued)</p> | <p>judges, court professionals, and members of the public. Their system also included interpretation services to help those who needed additional support without disruption of the hearing. The system also brought virtual meeting rooms for secure conversations, private meeting rooms for deliberation, self-check systems to ensure technology works, and displaying court rules prominently. It has also released a <a href="#">podcast episode</a> on how they are specifically supporting neurodiversity in remote hearings, highlighting the challenges that neurodiverse people face, while also highlighting how CVP will support them through user-centred design, active engagement, and internal preparation. Based on the results in a small number of courts and tribunals, HMCTS has stated that it will roll out the service from August 2024.</p> <p>We also discussed the feedback from the consultation with staff in the hearings service, including the Participant Support Officer, Senior Hearings Case Management Officer, Senior Hearings Manager, and the Executive Manager of Hearings, and have reviewed some of the materials which the hearings service uses to identify the support, such as a Hearings Support Officer.</p>   |
| <p>What information has been analysed or gathered to inform this EIA?</p>                          | <p>We also reviewed the following research and guidance to inform this EIA:</p> <ul style="list-style-type: none"> <li>• HMCTS conducted an <a href="#">evaluation of remote hearings during the pandemic</a>, which found that across jurisdictions, attendees found an equal or improved experience than in-person. Their research showed no indication of less satisfaction, and attendees were more likely to attend than in-person hearings. There were indications where remote hearings were less appropriate, and many users indicated that they preferred video over audio-only hearings. This research also highlighted several areas for development, such as decision-making guidance, video over audio-only hearings, additional training, and staff availability to improve access where possible. There were certain groups who needed more support, such as those with interpretation needs and hearing impaired participants. Providing basic information ahead of time was needed to improve access to support. Overall, the hearings were viewed as fair and supported.</li> <li>• Open University Law and Northumbria University conducted a <a href="#">research review on access to legal proceedings</a> during the pandemic in April 2022, which concluded that remote hearings should remain an option for participants. The research was informed by fieldwork and attending remote hearings, data on remote hearings, and existing literature. Researchers stated that additional training was necessary and that technological platforms should be standardised across courts, rather than utilising a range of approaches. The research specified that video hearings would be preferable to audio hearings, whether</li> </ul> |

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| <p>What information has been analysed or gathered to inform this EIA?</p> | <p>that was due to sound issues or lack of access. The performance assessment on the use and practicality of remote hearings, the researchers supported remote hearings, but argued that a set of recommendations which would make facilitation easier.</p> <ul style="list-style-type: none"><li>• The University of Glasgow released a <a href="#">summary of their research</a> conducted with Ipsos Scotland in August 2023. The research showed a diversity of views, with “no consistent opinion on their effect or continued use”. The research showed potential benefits for vulnerable groups, along with similar benefits for all involved parties as we noted, including, but not limited to, time, cost, and comfort. The findings varied by court and tribunal setting, and along the perceived impacts of remote hearings on involved parties. The research found a number of problems, such as technological, literacy, and communication boundaries, and made several suggestions around resourcing, emotional support, training, and access, which we have reviewed and may consider implementing.</li></ul> |
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| Protected Characteristics | Impact | Please explain the nature of any disproportionate negative or positive impacts, any actions   |
|---------------------------|--------|---|
| Age                       | 3C     | <p>Several consultation respondents pointed out that those of older age may be disproportionately impacted positively and negatively by this policy, citing positive impacts of not having to travel to London and negative impacts for those with reduced familiarity with remote messaging and meetings technology.</p> <p>The hearings service does not collect information on participants' protected characteristics (although the GDC holds data is held on registrants and data collection for informants has begun, these data are not available to the hearings service). When asked about instances of impact, the hearings service was not able to provide examples of specific instances of participants struggling with the use of technology due to age.</p> <p>We have seen evidence that the hearings service a) ask participants specific targeted questions about access to technology and ability to use it b) offer test calls to check that participants can see and hear other participants, and c) provide practical support during the hearing to find the right place in the bundle. We have noted that people have struggled with technology regardless of age.</p> <p>The British Association of Dental Technology (BADT) noted specifically that the dental technology profession has an older-than-average workforce, which may pose a disadvantage.</p> <p>The BADT suggested in its response that we provide sufficient information on remote hearings to avoid causing issues for dental technicians. As a potential disadvantage, we will review our implementation to mediate these issues to avoid severe impacts based on age on participants.</p> <p>The hearings service case management procedures ensure that requests for reasonable adjustments are available, which include sufficient breaks, upon request. The procedure includes requesting participants to inform the service about any support needs in advance, to help create the most seamless hearing possible.</p> <p>Targeted research or monitoring is needed to ascertain the extent of any impacts, and any further mitigation required.</p> |



| Protected Characteristics | Impact score | Please explain the nature of any disproportionate negative or positive impacts, any actions needed, and other commentary   |
|---------------------------|--------------|--|
| Disability                | 4C           | <p>Several consultation respondents noted that those with disabilities, physical and non-physical, may be impacted by the implementation of this policy. The policy may have positive and negative impacts, but respondents did overwhelmingly have positive feedback on the proposal.</p> <p>Some of the benefits included not having to travel and being in a more comfortable environment, which poses positive impacts for those with physical and non-physical disabilities.</p> <p>Negative impacts cited included the loss of communication and other human subtleties, which may impact those who are neurodiverse and struggle to pick up on those tones. This impact may also include those without a disability, but who utilise visual cues or other communication aspects during their day to day activities. A small number of respondents indicated that they may be impacted the lack of visual cues, but did not specify if it was due to a disability.</p> <p>Case management procedures for the hearing service ensure that reasonable adjustments are available, upon request. The procedure requires the hearings service to ask participants about their support needs in advance, to help create the most seamless hearing possible.</p> <p>Additionally, some respondents to the consultation suggested that visually or hearing-impaired participants could face additional technological issues or barriers.</p> <p>The hearings service does not collect information on participants' protected characteristics (although the GDC holds data is held on registrants and data collection for informants has begun, these data are not available to the hearings service).</p> <p>When asked about instances of impact, the hearings service was not able to provide examples of specific instances of impact on participants due to a disability.</p> <p>We have seen evidence that the hearings service a) mitigates the impact of Post Traumatic Stress Disorder (PTSD) or trauma-based cases by discussing the participant's boundaries (e.g. turning the camera off when providing evidence), and b) provide practical support during hearings.</p> <p>The hearings service aims to safeguard and provide accommodations where possible, and participants can request an in-person hearing, if that would suit their needs better. The hearings service will continue to monitor the impacts on people and ways to support participants.</p> |

| Protected Characteristics  | Impact score | Please explain the nature of any disproportionate negative or positive impacts, any actions needed, and other commentary  |
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| Gender reassignment        | 1C           | <p>The majority of consultation respondents did not indicate whether there would be positive or negative impact of a remote hearing due to gender reassignment.</p> <p>The hearings service does not collect information on participants' protected characteristics, but in the instance that a participant has undertaken gender reassignment, the service would a) work to ensure the participant feels respected (e.g. utilising proper pronouns in hearing settings) and b) provide practical support during a hearing for participants.</p> <p>The hearings service case management procedures ensure that reasonable adjustments are available. The procedures also require the hearings service to ask participants about their support needs in advance, to help create the most seamless hearing possible.</p> |
| Marriage/Civil Partnership | 2A           | <p>Some consultation respondents indicated that there would be a potential positive but indirect impact of remote hearings on those who are married, as they might be more likely to have caring responsibilities.</p> <p>As explored below, participants with caring responsibilities or with small children could benefit from remote hearings.</p> <p>The hearings service case management procedures ensure that reasonable adjustments are available. The procedures also require the hearings service to ask participants about their support needs in advance, to help create the most seamless hearing possible.</p>  |
| Pregnancy and maternity    | 3C           | <p>Several consultation respondents mentioned positive and negative impacts of remote hearings on pregnant or postpartum people. Benefits included improved access due to reducing the requirement to travel, reduced childcare fees, and not having to travel with small children or be away from young babies. The disadvantages included stress of a hearing and the lack of private or quiet space to participate.</p> <p>The hearings service does not collect information on participants' protected characteristics. When asked about instances of impact, the hearings service was not able to provide examples of specific instances of impact on participants due to pregnancy or maternity.</p>  |

| Protected Characteristics           | Impact score | Please explain the nature of any disproportionate negative or positive impacts, any actions needed, and other commentary  |
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| Pregnancy and maternity (continued) |              | We have seen evidence that the hearings service a) will schedule hearings or postpone to accommodate a registrant, based on when they are due to give birth b) ask participants specific targeted questions about access to technology and ability to use it, and c) offer test calls to check that participants can see and hear other participants.   |
| Race                                | 1C           | <p>We did not hear any evidence that race or ethnicity could play a role in a remote hearing, but we have heard that non-verbal communication does not come across as well remotely.</p> <p>This could disadvantage people who rely on non-verbal communication and could disadvantage those with distinct accents, and non-native English speakers.</p> <p>The hearings service case management procedures ensure that reasonable adjustments are available. The procedures also require the hearings service to ask participants about their support needs in advance, to help create the most seamless hearing possible.</p>   |
| Religion or belief                  | 1C           | <p>In discussion with the People and Operational Development team, we explored examples of how religion or belief could be indirectly discriminated against in the way that hearings are listed, for example by not having due regard to religiously significant days of the week.</p> <p>The hearings service does not collect information on participants' protected characteristics, or more specifically on how hearings being held remotely may provide a positive or negative impact, but we do offer certain mitigations (e.g. time off for religious events) to assist participants.</p> <p>The hearings service case management procedures ensure that reasonable adjustments are available. The procedures also require the hearings service to ask participants about their support needs in advance, to help create the most seamless hearing possible.</p> |
| Sex                                 | 3A           | Some consultation respondents said that female respondents could stand to benefit from remote hearings. These were often mentioned in relation to the likelihood of having caring responsibilities, but also in relation to dental nurses being overwhelmingly female and having lower resources. The Society of British Dental Nurses (SBDN) reminded us in their consultation response that the majority of dental nurses are female.   |

| Protected Characteristics | Impact score | Please explain the nature of any disproportionate negative or positive impacts, any actions needed, and other commentary   |
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| Sex (continued)           |              | <p>Benefits of remote hearings include reducing the requirement to travel, reduced childcare fees, and not having to travel with a small child or being away from a young baby.</p> <p>The hearings service does not collect information on participants' protected characteristics.</p> <p>When asked about instances of impact, the hearings service was not able to provide examples of specific instances of impact on participants due to sex.</p> <p>We have seen evidence from the hearings service that it will a) schedule hearings or postpone to accommodate a registrant based on when they are due to give birth b) ensure that panels for hearings are balanced and fair or c) offer test calls to check that participants can see and hear other participants.</p> <p>The hearings service case management procedures ensure that reasonable adjustments are available. The procedures also require the hearings service to ask participants about their support needs in advance, to help create the most seamless hearing possible.</p> |
| Sexual orientation        | 1C           | <p>The majority of consultation respondents did not indicate that there would be positive or negative impacts due to a remote hearing due to sexual orientation.</p> <p>The hearings service does not collect information on participants' protected characteristics. We do not have any indications that sexual orientation would be impacted by remote hearings, but the hearings service would work with the participant to provide mitigations where possible.</p> <p>The hearings service case management procedures ensure that reasonable adjustments are available. The procedures also require the hearings service to ask participants about their support needs in advance, to help create the most seamless hearing possible.</p>  |
| General vulnerability     | 3C           | <p>Several respondents mentioned vulnerabilities, such as lower socio-economic status, lack of higher or further education or a lack of education or technological competence, some of which may be connected to a protected characteristic.</p>   |

| Protected Characteristics            | Impact score | Please explain the nature of any disproportionate negative or positive impacts, any actions needed, and other commentary  |
|--------------------------------------|--------------|---|
| General vulnerability<br>(continued) |              | <p>The hearings service case management procedures ensure that reasonable adjustments are available. The procedures also require the hearings service to ask participants about their support needs in advance, to help create the most seamless hearing possible.</p> <p>We do not have any indications of how these impacts would function in practice, but the hearings service would work with the participant to provide mitigations where possible.</p>   |
| Professional role                    | 3C           | <p>In two instances, associations representing a distinct group of professionals, told us that their members were more likely to be affected by the policy.</p> <p>The SBDN told us that the dental nursing population was overwhelmingly female and lower paid. The BADT told us that their members were mostly older and that as a group were more likely to experience difficulties with technology due to age.</p> <p>We do not have any indications of how these impacts would function in practice, but the hearings service would work with the participant to provide mitigations where possible.</p> <p>Clearly, while being a dental professional is not a protected characteristic, any protected characteristics they do share should be considered when making decisions about different groups.</p> |
| Challenges with resources            | 4C           | <p>Several respondents indicated that those with resource challenges would benefit from the updated policy, but some also indicated that they may not. Some benefits highlighted included allowing for participants to save money and improved access to hearings. Conversely, participants may not have access to the technology necessary to access a hearing, for example if they owned a phone but not a laptop.</p> <p>We do not have any indications of how these impacts would function in practice, but the hearings service would work with the participant to provide mitigations where possible. While resource is not a protected characteristic, it is an important factor for participants and panels when deciding on whether to hold a hearing in-person or remotely.</p>                         |

## Part 3 – Next steps

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| <p>What additional evidence will be gathered after the implementation of this protocol?</p> | <p>We will use this EIA and other feedback from the consultation to design and implement a monitoring exercise to help build evidence for impacts of the policy on specific groups of participants. We propose to use the results of the exercise to improve the support for participants and to inform any future evaluation of the policy.</p>  |
| <p>What mitigations are we able to offer?</p>   | <p>The hearings service offers mitigations during hearings. It is vital to note that while this proposal is to hold hearings remotely as a default, participants will continue to be able to request an in-person hearing.</p> <p>Additionally, we plan to review our internal processes to determine if there are any other ways we can support registrants, such as offering additional support, technological assistance, or performing regular reviews on outcomes to see if any other mitigations may be necessary. Registrants, participants, or their legal representatives are welcome to approach the hearings service with requests for adjustments or accommodations, which will be reviewed and accommodated where possible.</p> <p>The hearings service also offers a number of other mitigations during hearings for those who are vulnerable or who have protected characteristics, which include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Utilisation of a hearings checklist to ensure all participants are asked about any vulnerabilities and their support needs, providing early identification of vulnerable and unrepresented participants.</li> <li>• Allowing participants to deliver audio-only or turning off the video of the registrant in-question, upon request from witnesses in trauma-based cases.</li> <li>• Providing a number of ways to get in contact with the hearings service.</li> </ul> <p>And making the hearings support officers available for practical support and testing of the software for hearings with participants before it takes place.</p> <p>The GDC has also put the following in place to support participants through the process:</p> <ul style="list-style-type: none"> <li>• Making our letters and our website more friendly, clear and easy to navigate.</li> <li>• Keeping our participants better informed about the progress of their case.</li> <li>• Minimising delays in taking statements for cases involving death, serious physical or mental health injury, or sexual misconduct.</li> </ul> |

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| <p>What mitigations are we able to offer? (continued)</p>         | <ul style="list-style-type: none"> <li>• Including a representative consent form with our opening letter to informants, to make it easier for a vulnerable or disabled person to appoint a representative to correspond with the GDC on their behalf.</li> <li>• Providing a number of ways to contact the GDC to raise concerns, and offering assistance to those who struggle with written communications to detail their concerns.</li> <li>• Staff training provided by the mental health charity.</li> </ul> |
| <p>If you have any additional comments, please add them here:</p> | <p>Not applicable.</p>  |

Dated: 3 December 2024