



<b>MEETING</b>	<b>Veterinary Nurses Council, Public Affairs Committee, Planning &amp; Resources Committee</b>
<b>DATE</b>	<b>13, 14, 15 October 2009</b>
<b>TITLE</b>	<b>Consultation on recommendations of the Veterinary Legislation Group: interim report on responses</b>
<b>CLASSIFICATION</b>	<b>Unclassified</b>
<b>SUMMARY</b>	<b>The paper reports the responses received to the consultation launched on 27 July</b>
<b>DECISIONS REQUIRED</b>	<b>None</b>
<b>ATTACHMENTS</b>	<b>Annex A: summary of proposals</b> <b>Annex B: summary of responses received</b>
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## **Background**

1. Council agreed at its June meeting that there should be a public consultation on the recommendations of the Veterinary Legislation Group. A consultation paper was issued on 27 July, the deadline for responses being 21 October.

## **Veterinary Legislation Group's proposals**

2. Annex A sets out the proposals on which views were invited, as summarised in the consultation paper.

## **Responses**

3. 14 responses have been received to date (29 September), all from individuals. They are summarised at annex B.



## EXTRACT FROM CONSULTATION PAPER OF JULY 2009

### SUMMARY OF PROPOSALS ON WHICH COMMENTS ARE INVITED

#### **Disciplinary machinery**

- The Act should be amended to give the RCVS Council discretion to make rules determining the composition of the Preliminary Investigation (PIC) and Disciplinary Committees (DC).
- Council members should not be eligible to be members of DC.
- The rules should be subject to approval by the Government.

#### **Disciplinary jurisdiction and powers**

The DC should have jurisdiction over:

- professional conduct;
- clinical performance;
- health;
- criminal convictions relevant to fitness to practise.

The PIC should have power to dispose of a complaint by:

- giving a caution, with the respondent's agreement; or
- giving advice.

The DC should have power to:

- give a warning as to future conduct; or
- impose conditions or restrictions on future practice by the respondent.

#### **Composition of the RCVS Council**

- Council should have no more than 30 members.
- Between 30% and 50% of the members should be non-veterinarians.
- At least half of the veterinary members of Council should be elected.
- Council should include a veterinary nurse as an appointed member.

- There should be one Council member nominated jointly by the UK universities with recognised veterinary degrees.
- Council members other than elected members and the member to be nominated jointly by the universities should be appointed by the Government of the day.

## SUMMARY OF RESPONSES TO CONSULTATION OF JULY 2009

<b>Respondent</b>	<b>General comments</b>	<b>Disciplinary machinery</b>	<b>Disciplinary jurisdiction and powers</b>	<b>Composition of RCVS Council</b>
Anon FRCVS (supplied name but asked for it to be withheld)	Questions need for major change, suggests waiting for legislative opportunity before drafting Bill		Agrees with more flexible disposal powers but not with jurisdiction extended to clinical performance or health	No more than 10-20% lay members, no government appointees. Agrees with one VN and one university nominee
Evelyn Barbour-Hill MRCVS	Recommendations bizarre, foolish or suicidal	Not against members of Council being excluded from DC if most MsRCVS agree that would be best. No good reason to alter PIC	Should not be widened	Should retain majority of elected veterinary surgeons
Robert Bulling (solicitor and former Deputy Clerk to the Privy Council)			PIC should not have substantive powers of determination: better to have option of truncated DC process	Should consider alternatives to single governing council, eg small management board with executive and non-executive members and separate advisory council of elected members
Ruth Eyre-Pugh MRCVS	Should also deal with regulation of other providers of veterinary services & complementary & alternative therapies	PI and DC should not include Council Members		Should have 32 members, 24 (3/4) of them VS
John Gripper MRCVS			DC should be able to fine and, if respondent has gained financially from misconduct, award costs	

Joseph Holmes MRCVS		DC should contain no members of Council or even veterinary surgeons	Should clearly differentiate professional misconduct from negligence. Finding of serious professional misconduct should be appealable	
Russ King MRCVS	Do we need a new Act at all?	No need to change PIC & DC, but should have power to do so	Worried about wider powers for minor offences	Should not increase lay membership
Donald McArthur MRCVS				All members should be elected and half should be active in practice more than 30 hours a week
Mary Martin MRCVS		Should not have too many lay members		30 a good size. 25% maximum lay membership, of whom two appointed by HMG. Half of vets should be elected practitioners. Agree with VN member
Miss H W Richards MRCVS		No objection, but permanent members of DC should not be politically appointed	Questions power for PIC to give caution, even with consent: respondent may be intimidated	Disagrees with proposals, no pressing need to change RCVS Council
Richard Stephenson, Bradley Viner, Mark Elliott, Clare Tapsfield-Wright, Chris Tufnell, Chris Gray MsRCVS	Disappointed at lack of mention of alternative dispute resolution service. Package should be costed. Any new primary legislation should go wider, eg regulation of other providers, mandatory CPD and practice standards	Support proposals, should seek legislative reform order	Support proposals but with query over clinical performance. Should consider fines	Proposals unacceptable, favour Council of 34: 18 elected VS, 2 VNs, 4 University members, 1 CVO, 9 appointed lay members

Hannes Tanzer MRCVS		Disciplinary proceedings should be for civil courts, not RCVS		
Andrew Warde MRCVS	Strongly supports VLG's three priorities. Performance review should be extended to all MsRCVS		Need for greater range of powers. Agree DC should have jurisdiction over clinical performance	Support proposed changes, happy for proportion of lay members to be nearer 50% than 30%
Michael Watts MRCVS	Do we need a review of the Veterinary Surgeons Act at present?	Agrees with proposals, except for Government approval of rules on composition of PIC & DC	Agrees apart from minor queries	Agrees, except wants 30-35% lay members; objects to appointment by HMG; wants one nominee for each vet school

29 September 2009