

Welcome to

Legally speaking

2 April 2011

BSAVA Congress

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Our programme

Peter Jinman, President

- An overview of our legal framework
- Changes sought
- Legislative Reform Order

Liz Branscombe, VN Council Chairman

- Disciplinary system for RVNs

Gordon Hockey, Head of Professional Conduct

- Health Protocol
- Draft new Code of Professional Conduct

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Our overall objectives



- To represent the public interest
- To maintain and promote the good standing of the profession
- “Setting veterinary standards”

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Dual role of the RCVS



Regulator – Veterinary Surgeons Act 1966

- Maintain a *Register of Members*
- Monitor standards of veterinary undergraduate education
- Regulate professional conduct

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Dual role of the RCVS



Royal College – Royal Charter 1844

- Monitor CPD
- Award Fellowships, Diplomas and Certificates
- Maintain Recognised Specialist List
- Award VN qualifications
- Register and regulate veterinary nurses
- Contribute to the RCVS Charitable Trust

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New veterinary legislation

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New veterinary legislation



- At over 40 years old, VSA is out of date
- Key priority
 - Composition of Preliminary Investigation and Disciplinary Committees (PIC/DC)
- Legislation Working Party will advise on other issues when it reports over summer

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Legislative Reform Order



- Minister has given green light for Legislative Reform Order (LRO) to tackle the composition of PIC and DC
- Instead of being drawn from Council, statutory Committee members would be Council-appointed vets and lay people
- Greater independence
 - Separation of those who set the rules, investigate complaints and adjudicate on charges

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LRO - continued

- Improved flexibility
- Currently a bottleneck due to available dates / people for hearings
 - 2005 = 14 days of DC hearing days
 - 2010 = 47 days
- Speeded up process would benefit complainants and veterinary surgeons/veterinary nurses

Likely process

- Defra likely to consult in May – standard three-month period
- Order likely to be placed before Parliament in the autumn
- We will lobby MPs and peers to support the change

Disciplinary system for RVNs

Liz Branscombe
Chairman, VN Council

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The VN Register in a nutshell

- Opened 1 September 2007
- All nurses qualifying 2003 onwards automatically transferred
- Pre-2003 nurses registered voluntarily
- Over 84% of eligible VNs are now registered



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Why did we need a Register?

- The List requires
 - Stipulated qualifications to enter
 - Payment of registration and retention fees to maintain listing
- It allows veterinary surgeons to delegate some treatments to listed veterinary nurses (Schedule 3)
- However...

The List

- It is not possible to remove someone from the List, providing fees continue to be paid, and there is no requirement to keep skills and knowledge up to date
- Is this fair to animals and their owners?
- Does it sound like a good way to manage a profession?

RVNs:

- Adhere to the *Guide to Professional Conduct for Veterinary Nurses*
- Undertake mandatory annual CPD (45 hours over three years)
- Refresh on return to practice
- From 1 April 2011, may be suspended or de-registered for misconduct

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Why might an RVN be disciplined?

- Three types of case:
 - Allegations of **serious professional misconduct** (behaviour which falls short of the accepted ethical or professional expectations)
 - **Criminal convictions** that render the VN unfit to practise
 - **Fraudulent registration** as a VN

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What is 'serious professional misconduct'?



- *VN Guide to Professional Conduct* important, but the Disciplinary Committee is the arbiter of misconduct
- Serious – conduct falling far short of what is expected of the profession
- Requires no evil intent – catches the 'happy incompetent'
- Related, but not limited, to professional practice

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What is not 'serious professional misconduct'?



- Difficulties or problems that occur routinely in practice and are nobody's fault
 - eg post-operative complications
- Professional negligence - a failure to act in accordance with the standards of reasonably competent veterinary surgeons at the time
- Fee disputes
 - eg "I have since found out that another practice does this for half the price!"

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Complaints involving Listed or Student Veterinary Nurses



- You (vet or RVN) must ensure that the person you are supervising is legally entitled and competent to undertake the task before you delegate the task
- Should a complaint be made, responsibility for what has happened may be shared by the supervising vet and the RVN

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Disciplinary system for RVNs



- System mirrors that in place for vets (and will carry any changes following from the LRO)
- Four stages:
 1. Examination and Assessment
 2. Investigation
 3. Preliminary Investigation Committee (PIC)
 4. Disciplinary Committee (DC)

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Stage one – Examination and Assessment



- All aspects of the complaint assessed by the RCVS Professional Conduct Department who decides if there is a case to answer

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Stage two - Investigation



- If serious professional misconduct is suspected the RVN would be asked to respond to the complaint, and information gathered from anyone else involved in the case at this stage

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Stage three – PI Committee



- VNPIC will consider all information and decides if the case should be referred to the College's solicitors for investigation and passed on to the VN Disciplinary Committee
- The VNPIC comprises
 - Three RVNs
 - One vet
 - One lay person

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Stage four – Disciplinary Committee



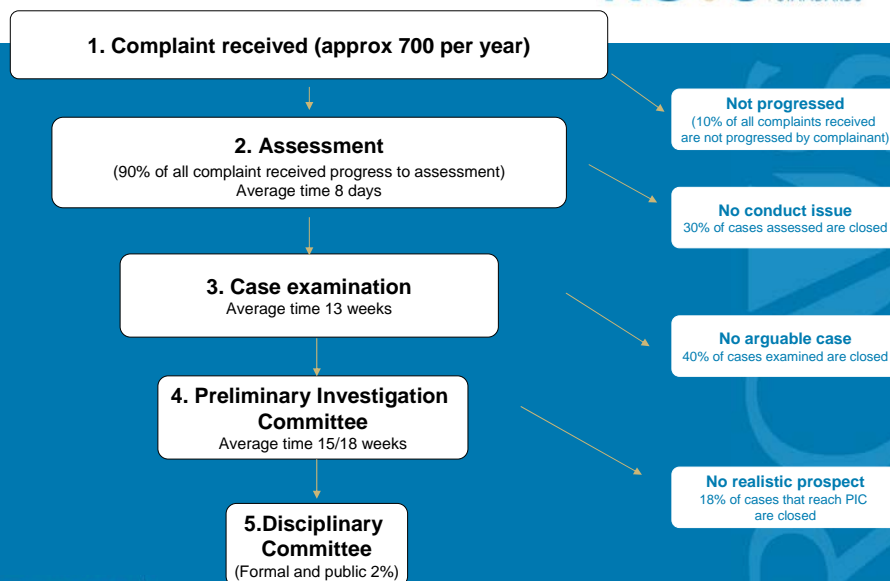
- Judicial tribunal, heard in public - if charges are proven, has power to suspend or remove from the Register
- VNDC will comprise
 - Two RVNs
 - Vets and lay people taken from the existing Disciplinary Committee for vets
 - For each hearing the Committee must not be less than three people, including at least one RVN, one vet and one lay person

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Suspension / removal

- **Suspension:** a nurse would be automatically restored once the term was over
- **Removal:** may apply for restoration hearing after ten months – may or may not be restored
- If removed from the Register for **non-payment** of fees, would be restored immediately payment made (unless had been off the Register for five years or more)

Complaints procedure (vet stats)



Don't panic!

- Nurses are not likely to be disciplined for making a genuine mistake
- However, repeated mistakes or attempts to cover up mistakes may give cause for investigation
- If in doubt, call us for advice

New Health Protocol

Gordon Hockey

Head of Professional Conduct

Health Protocol

- Introduced in November, following consultation period
- Formalises compassionate approach to those with health problems
- Complaints can be dealt with away from full public disciplinary hearing
- Similar systems exist within other regulators

Health Protocol - continued

- In the public interest – including interest of vets [VNs] affected:
 - Allows individuals to access appropriate support and help
 - Ensures animals and public not at risk
- Changes to the *Guide* encourage vets, VNs and the public to report concerns about a colleague to us
- Vets and VNs must also take steps to ensure animals not put at risk

New Draft Code of Professional Conduct

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Why change?

- *Guide* no longer meets current needs
- Format and style not in keeping with best practice elsewhere
- Increased need for transparency – for both members and the public
- Working Party set up to review *Guides* for vets and VNs
- Range of issues were considered, including both content and format

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New format

- Short principles-based document, based on Federation of Veterinarians of Europe Code
- Uses consistent language to distinguish between what must be done and what is advised
- Will be supported by additional advice on specific topics

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New inclusions

- Includes
 - CPD requirement
 - Health Protocol
 - More on clinical competence
 - Prominence to relevant medicines issues
- Five under-pinning principles
 - Professional competence
 - Honesty and integrity
 - Independence and impartiality
 - Client confidentiality and trust
 - Professional accountability

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New declaration

- Updated declaration gives animal welfare greater prominence

" I PROMISE AND SOLEMNLY DECLARE that my constant endeavour will be to ensure the welfare of animals committed to my care and that I will pursue the work of my profession with integrity and accept my responsibilities to my clients, the public, the profession and the Royal College of Veterinary Surgeons."

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Have your say!

- Council has given general approval to a draft
- Now open for comments from the profession and the public
 - Consultation opened Friday 25 March
 - Three-month period
- Download from www.rcvs.org.uk/codeconsultation



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