

Preliminary Investigation Committee and Disciplinary Committee protocol

Made by the Council of the Royal College of Veterinary Surgeons on 11 November 2021, to come into force on 1 October 2022.

Citation

1. This protocol may be cited as the Royal College of Veterinary Surgeons Preliminary Investigation Committee and Disciplinary Committee Protocol 2021.

Interpretation

2. In this protocol, "the committees" or "the statutory committees" means the Preliminary Investigation Committee and the Disciplinary Committee.

References to the appointment of members of the committees are to the appointment by the Council of persons other than its own members under paragraph 1 of Schedule 2 to the Veterinary Surgeons Act 1966.

3. "Stage one cases" are those in which the Preliminary Investigation Committee can decide that there is not a realistic prospect of proving serious professional misconduct on the basis of information provided without recourse to further or more extensive investigation.
4. "Stage two cases" are those that may require further investigation (for example, expert evidence or formal statements) in order to determine whether there is a realistic prospect of proving serious professional misconduct.

Appointment of committee members

5. The Council will set up a committee (here referred to as "the selection committee") to advise it on the appointment of members of the statutory committees. Before appointing members of the committees Council will have regard to the advice of the selection committee.
6. The selection committee will not include members of the Council.
7. A person who has served as a member of the Preliminary Investigation Committee will not be appointed to the Disciplinary Committee unless three years have elapsed since the person concerned ceased to be a member of the Preliminary Investigation Committee.

Term of office

8. Appointed members of the committees will hold office for four years or such shorter term as the Council may determine in a particular case.
9. Appointed members may serve for a maximum of two terms.

Conditions about fitness to be a member of a statutory committee

10. Members of the committees will hold office subject to satisfying the following conditions:-

- (a) they must at no time have been convicted of an offence involving dishonesty or deception in the United Kingdom, or in relation to the welfare of animals, or where the final outcome of the proceedings was a sentence of imprisonment or detention, the conviction not being a spent conviction;
- (b) they must at no time have been removed from the office of charity trustee or trustee for a charity by reason of any misconduct or mismanagement in the administration of the charity for which the person was responsible or to which the person was privy, or which the person contributed to or facilitated by their conduct;
- (c) they must at no time have been removed from office as the chair, member, convenor or director of any public body on the grounds that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;
- (d) they must at no time have been adjudged bankrupt or had sequestration of their estate awarded, the person not having been discharged;
- (e) they must not be the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order;
- (f) they must at no time have made a composition or arrangement with, or granted a trust deed for, their creditors, not having been discharged in respect of it;
- (g) they must not be disqualified from being a company director;
- (h) they must not be included in a barred list under statutory provisions for the safeguarding of vulnerable groups;
- (i) they must at no time have been subject to any investigation or proceedings concerning fitness to practise by any licensing body, if the final outcome of the investigation or proceedings was suspension from a register held by the licensing body (that suspension not having been terminated), or erasure from such a register, or a decision that had the effect of preventing practice of the profession licensed or regulated by the licensing body, or only allowing practice subject to conditions which were not lifted;
- (j) they must at no time have had their name removed from the register of veterinary surgeons under section 16 of the Veterinary Surgeons Act 1966;
- (k) they must not have been the subject of a direction under section 16 of the Veterinary Surgeons Act 1966 for their registration to be suspended, if that suspension remains in operation;

(l) they must not be, or have been, subject to any investigation or proceedings concerning fitness to practise by any licensing body or by the Council, or at any time convicted of an offence elsewhere than in the United Kingdom, if the Council is satisfied that their membership of the committee would in view of that investigation or those proceedings or that conviction be liable to undermine public confidence in the regulation of the veterinary profession;

(m) their attendance at meetings of the committee must not have fallen below a minimum level of attendance acceptable to the Council;

(n) they must undertake any education or training required by the Council and comply with any arrangements as to appraisal of their performance as committee members which the Council may require;

(o) they must not be unable to perform their duties as committee members because of adverse physical or mental health.

11. The Council may remove from office any member of a statutory committee if satisfied that they do not comply with one or more of the conditions mentioned above, or that their membership of the committee would for any other reason be liable to undermine public confidence in the regulation of the veterinary profession.

12. Before removing from office a member of a statutory committee, the Council will set up a panel to advise it on the matter and will have regard to the advice of that panel. The panel will not include members of the Council.

Chair

13. The Council shall designate a member of each statutory committee as chair, as specified in paragraph 1(5) of Schedule 2 of the Act.

Vice-chair

14. The Council may from time to time designate one or more members of a statutory committee to be vice-chair, and may at any time remove such a designation.

Clerk to Preliminary Investigation Committee

15. The registrar shall appoint a clerk to the committee, who may be an employee of the College but not a member of the Council.

Stage one case meetings of the Preliminary Investigation Committee

16. Cases at stage one shall be considered at a meeting of the committee (generally consisting of three members), one of whom will lead the meeting. The Clerk shall convene meetings in consultation with the members. Such meetings shall be held fortnightly.

17. Cases can be closed with or without advice at stage one meetings. Matters that cannot be concluded at this point will be referred on to a stage two case meeting.

Stage two case meetings of the Preliminary Investigation Committee

18. Cases at stage two shall be considered at a meeting of the committee. Such meetings are to be held as required.
19. Stage two cases can be closed (with or without advice), referred to the Disciplinary Committee, or referred to the Charter Case Committee [not yet in place – name to be confirmed].
20. The clerk shall convene stage two case meetings of the committee, having consulted the chair or, in the absence or incapacity of the chair, the vice-chair. At least ten days' notice shall be given of every meeting, unless the chair or vice-chair who is to preside at the meeting directs that a shorter period is permissible.
21. The agenda for a stage two case meeting of the committee shall state clearly the business to be transacted.
22. The chair or a vice-chair of the Preliminary Investigation Committee shall preside at stage two case meetings. If, during the course of a meeting of the committee, the person presiding ceases to be able to do so by reason of indisposition, conflict of interest or some other cause, the chair or a vice-chair or such other member of the committee as the members of the committee present may choose shall preside for the rest of the meeting.

Meetings of the committees

23. The committees may meet and conduct inquiries with less than the full membership of the committee being present.
24. Any decision made by one of the committees at such a meeting or inquiry shall be a decision of the committee, provided that the quorum for meetings of the committee, as specified in paragraph 3 of Schedule 2 to the Act, is observed.

Reporting to the Council

25. The committees shall report to the Council from time to time on the discharge of their functions.