

## Council Meeting

Hybrid meeting to be held on Thursday, 14 March 2024 at 10:00 am in the Peggy Nuttall Room at the Royal College of Nursing, 20 Cavendish Square, London W1G 0RN

RCVS Council meeting - Agenda	Classification <sup>1</sup>	Rationale <sup>2</sup>
1. <b>President's introduction</b>	Oral report Unclassified	n/a
2. <b>Apologies for absence</b>	Oral report Unclassified	n/a
3. <b>Declaration of interests</b>	Oral report Unclassified	n/a
4. <b>Minutes of meeting held on 18 January 2024</b>		
i. Unclassified minutes	Unclassified	n/a
ii. Classified appendix	<b>Confidential</b>	<b>1, 2, 3, 4</b>
5. <b>Veterinary Policy Research Foundation</b>	Oral report Unclassified	n/a
6. <b>Matters arising</b>		
a. Obituaries	Oral report Unclassified	n/a
b. Council correspondence	Oral report Unclassified	n/a
c. CEO update	Oral report Unclassified	n/a
7. <b>Matters for decision by Council and for report (unclassified items)</b>		
a. Discretionary Fund	Oral report Unclassified	n/a
b. Veterinary Surgeons Act – Legislative reform	Unclassified	n/a

c. Amendments to non-practising status	Unclassified	n/a
<b>8. Reports of standing committees – to note</b>		
a. Advancement of the Professions Committee	Oral report Unclassified	n/a
b. Audit and Risk Committee	Oral report Unclassified	n/a
c. Education Committee	Oral report Unclassified	n/a
d. Finance and Resources Committee	Oral report Unclassified	n/a
e. Registration Committee	Oral report Unclassified	n/a
f. Standards Committee	Oral report Unclassified	n/a
g. Veterinary Nurses Council	Oral report Unclassified	n/a
h. PIC/DC Liaison Committee	Oral report Unclassified	n/a
<b>9. Reports of statutory committees – to note</b>		
a. Preliminary Investigation Committee	Oral report Unclassified	n/a
b. RVN Preliminary Investigation Committee	Oral report Unclassified	n/a
c. Disciplinary Committee and RVN Disciplinary Committee	Oral report Unclassified	n/a
<b>10. Notices of motion</b>	Oral report Unclassified	n/a
<b>11. Questions</b>	Oral report Unclassified	n/a
<b>12. Recommendation for the appointment of Officers – President and Vice-President (Senior) respectively for confirmation at the AGM on 5 July 2024</b>	Oral report Unclassified	n/a

13. <b>Election of President (Junior) – recommendation for confirmation at the AGM on 5 July 2024</b>	Oral report Unclassified	n/a
14. <b>Election of Treasurer – recommendation for confirmation at the AGM on 5 July 2024</b>	Oral report Unclassified	n/a
15. <b>Other elections</b>		
a. Chair, Advancement of the Professions Committee	Oral report Unclassified	n/a
b. Chair, Education Committee	Oral report Unclassified	n/a
c. Chair, Standards Committee	Oral report Unclassified	n/a
16. <b>Any other College business (unclassified items)</b>	Oral report Unclassified	n/a
17. <b>Risk Register, equality and diversity (unclassified items)</b>	Oral report Unclassified	n/a
18. <b>Date of next meeting</b> Thursday, 6 June 2024 at 10:00 am	Oral report Unclassified	n/a
19. <b>Matters for decision by Council and for report (confidential items)</b>		
a. Update on major projects	Oral report <b>Confidential</b>	<b>1, 2, 3, 4</b>
b. Annual retention fee payment arrangements for veterinary surgeons 2024-25 – update	Oral report <b>Confidential</b>	<b>1, 3</b>
c. RCVS accreditation of veterinary programmes in the European Union	<b>Confidential</b>	<b>3</b>
d. RCVS Honours and Awards	<b>Private</b>	<b>5</b>
20. <b>Any other College business (confidential items)</b>		
a. Comments on classified appendices	Oral report <b>Confidential</b>	<b>1, 2, 3, 4, 5</b>

21. <b>Risk Register, equality and diversity (confidential items)</b>	Oral report <b>Confidential</b>	<b># TBC</b>
22. <b>Strategic Plan – workshop (confidential item)</b>	Oral report <b>Confidential</b>	<b>1, 3, 4</b>
Dawn Wiggins Secretary, RCVS Council 020 7202 0737 / <a href="mailto:d.wiggins@rcvs.org.uk">d.wiggins@rcvs.org.uk</a>		

### **<sup>1</sup>Classifications explained**

Unclassified	Papers will be published on the internet and recipients may share them and discuss them freely with anyone. This may include papers marked 'Draft'.
Confidential	Temporarily available only to Council Members, non-Council members of the relevant committee, sub-committee, working party or Board and not for dissemination outside that group unless and until the relevant committee or Council has given approval for public discussion, consultation or publication.
Private	The paper includes personal data which should not be disclosed at any time or for any reason, unless the data subject has agreed otherwise. The Chair may, however, indicate after discussion that there are general issues which can be disclosed, for example in reports to committees and Council.

### **<sup>2</sup>Classification rationales**

Confidential	<ol style="list-style-type: none"> <li>1. To allow the Committee or Council to come to a view itself, before presenting to and/or consulting with others</li> <li>2. To maintain the confidence of another organisation</li> <li>3. To protect commercially sensitive information</li> <li>4. To maintain public confidence in and/or uphold the reputation of the veterinary professions and/or the RCVS</li> </ol>
Private	<ol style="list-style-type: none"> <li>5. To protect information which may contain personal data, special category data, and/or criminal offence data, as listed under the General Data Protection Regulation</li> </ol>

## Terms of Reference

## The vision of the Royal College of Veterinary Surgeons [as agreed in the current strategic plan]

1. Our vision is to be recognised as a trusted, compassionate and proactive regulator, and a supportive and ambitious Royal College, underpinning confident veterinary professionals of whom the UK can be proud.

## Role of the Royal College of Veterinary Surgeons [derived from the Charter]

2. The objects of the Royal College of Veterinary Surgeons, as laid down in the Supplemental Charter granted on 17 February 2015 to the Royal Charter of 1844, ie:
  - a. To set, uphold and advance veterinary standards, and to promote, encourage and advance the study and practice of the art and science of veterinary surgery and medicine, in the interests of the health and welfare of animals and in the wider public interest.
  - b. The Charter also recognises those functions provided for in the Veterinary Surgeons Act 1966, in terms of the regulation of the profession, and also recognises other activities not conferred upon the College by the Veterinary Surgeons Act or any other Act, which may be carried out in order to meet its objects, including but not limited to:
    - i. Accrediting veterinary education, training and qualifications, other than as provided for in the Act in relation to veterinary surgeons;
    - ii. Working with others to develop, update and ensure co-ordination of international standards of veterinary education;
    - iii. Administering examinations for the purpose of registration, awarding qualifications and recognising expertise other than as provided for in the Act;
    - iv. Promulgating guidance on post-registration veterinary education and training for those admitted as members and associates of the College;
    - v. Encouraging the continued development and evaluation of new knowledge and skills;
    - vi. Awarding fellowships, honorary fellowships, honorary associateships or other designations to suitable individuals;
    - vii. Keeping lists or registers of veterinary nurses and other classes of associate;
    - viii. Promulgating guidance on professional conduct;
    - ix. Setting standards for and accrediting veterinary practices and other suppliers of veterinary services;
    - x. Facilitating the resolution of disputes between registered persons and their clients;
    - xi. Providing information services and information about the historical development of the veterinary professions;
    - xii. Monitoring developments in the veterinary professions and in the provision of veterinary services;
    - xiii. Providing information about, and promoting fair access to, careers in the veterinary professions.

### The purpose of RCVS Council [derived from the Charter]

3. It is laid down in the Charter that the affairs of the College shall be managed by the Council as constituted under the Act. The Council shall have the entire management of and superintendence over the affairs, concerns and property of the College (save those powers of directing removal from, suspension from or restoration to the register of veterinary surgeons and supplementary veterinary register reserved to the disciplinary committee established under the Act) and shall have power to act by committees, subcommittees or boards and to delegate such functions as it thinks fit from time to time to such committees, subcommittees or boards and to any of its own number and to the employees and agents of the College.
4. The Council is also responsible for the appointment of the CEO and Registrar, and the ratification of the Assistant Registrars. Appointment of all other staff members is the responsibility of the CEO and relevant members of the Senior Team.
5. A strategic plan is developed and agreed by Council to facilitate the delivery of these activities and to ensure ongoing development and quality improvement.
6. A delegation scheme that outlines how Council's functions are managed via system of committees and other groups is agreed annually by Council.

### How Council members work

7. In order to enable the Royal College of Veterinary Surgeons to fulfil its vision, and to discharge its functions under its Royal Charter and the Veterinary Surgeons Act 1966, RCVS Council members will:
  - a. Abide by the Nolan Principles of Public Life;
  - b. Work in the best interests of the public, and of animal health and welfare and public health;
  - c. Respectfully listen to the voices of the professions, the public and other stakeholders, and reflect them in discussions where appropriate, ensuring they are put into context;
  - d. Neither be answerable to, nor represent, any group of individuals;
  - e. Support the College's vision and work towards the success of the College and its functions;
  - f. Live the College's values;
  - g. Act at all times in a constructive, supportive and compassionate manner;
  - h. Exercise a duty of care to the staff employed by the College, working through the CEO and Registrar;
  - i. Recognise the importance of a collegiate atmosphere where robust discussion is welcomed in the formation of policy and multiple points of view are listened to and respected;
  - j. Respect and support the decisions made by Council when communicating externally;
  - k. Communicate College activities and positions to relevant stakeholders;
  - l. Abide by the Code of Conduct for Council and Committee members.

<b>Summary</b>	
Meeting	Council
Date	18 January 2024
Title	Minutes of the meeting held on Thursday, 18 January 2024
Summary	Minutes of the meeting held on Thursday, 18 January 2024
Decisions required	To approve the unclassified minutes and classified appendix.
Attachments	Classified appendix ( <b>confidential</b> )  Annex A – Reform of the VSA 1966 – potential governance composition models.
Author	Dawn Wiggins Secretary, Council 020 7202 0737 / <a href="mailto:d.wiggins@rcvs.org.uk">d.wiggins@rcvs.org.uk</a>

<b>Classifications</b>		
<b>Document</b>	<b>Classification<sup>1</sup></b>	<b>Rationales<sup>2</sup></b>
Paper	Unclassified	n/a
Classified appendix	<b>Confidential</b>	<b>1, 2, 3, 4</b>
Annex A	Unclassified	n/a

**<sup>1</sup>Classifications explained**

Unclassified	Papers will be published on the internet and recipients may share them and discuss them freely with anyone. This may include papers marked 'Draft'.
Confidential	Temporarily available only to Council Members, non-Council members of the relevant committee, sub-committee, working party or Board and not for dissemination outside that group unless and until the relevant committee or Council has given approval for public discussion, consultation or publication.
Private	The paper includes personal data which should not be disclosed at any time or for any reason, unless the data subject has agreed otherwise. The Chair may, however, indicate after discussion that there are general issues which can be disclosed, for example in reports to committees and Council.

**<sup>2</sup>Classification rationales**

Confidential	<ol style="list-style-type: none"> <li>1. To allow the Committee or Council to come to a view itself, before presenting to and/or consulting with others</li> <li>2. To maintain the confidence of another organisation</li> <li>3. To protect commercially sensitive information</li> <li>4. To maintain public confidence in and/or uphold the reputation of the veterinary professions and/or the RCVS</li> </ol>
Private	<ol style="list-style-type: none"> <li>5. To protect information which may contain personal data, special category data, and/or criminal offence data, as listed under the General Data Protection Regulation</li> </ol>



## Council

Virtual meeting held by Zoom on Thursday, 18 January 2024 at 10:00 am

### Members:

Dr S Paterson (President in the Chair)

\*Dr L H Allum

Mrs B S Andrews-Jones

Miss L Belton

\*Professor D Bray

Dr A L Calow

Mr J M Castle

Dr D S Chambers

Mrs O D R Cook

Dr M A Donald

Ms L Ford

Dr M M S Gardiner

Mrs S D Howarth

\*Denotes absent

Mr T M Hutchinson

Dr M D Jones

Professor S A May

Mrs C-L McLaughlan

Dr A J McLeish

Professor T D H Parkin

Dr K A Richards

Mr T J Walker

Mr W A S Wilkinson

Professor J L N Wood

Ms J S M Worthington

### In attendance:

Miss H Alderton

Mr L Bishop

Ms E C Ferguson

Ms A Hanson

Mr I A Holloway

Ms L Lockett

Ms C McCann

Mr B Myring

Dr L Prescott-Clements

Committee Liaison Officer (CLO)

Media and Publications Manager (open session only)

Registrar

Media and Publications Officer (open session only)

Director of Communications (DoComms)

Chief Executive Officer (CEO)

Assistant Registrar / Director of Operations (DoO)

Policy and Public Affairs Manager (P&PAM) (open session only)

Director of Education (DoE)

### Guests:

Mr J Loeb

Dr M Morley

Mr V Olowe

Mr A Webb

*Veterinary Record*

Senior Vice-President, British Veterinary Association (BVA) (Open session only)

Vice-Chair, RCVS Audit and Risk Committee

*Veterinary Times*

## President's introduction

1. The President welcomed guests and outlined the order of the meeting.

## Apologies for absence

2. Apologies for absence were received from:
  - Dr Allum
  - Professor Bray
  - Dr Middlemiss, UK Chief Veterinary Officer (Observer)
  - Ms Shardlow, Chair, RCVS Audit and Risk Committee (invited guest)

## Declarations of interest

3. Mrs Andrews-Jones declared that she was now Head of Veterinary Nursing Operations with Eve Animal Care Ltd, London.
4. There were no other declarations of interest to report.

## Minutes of the meeting held on 9 November 2023

5. The President reported that the amended September 2023 minutes had been included in the documentation before Council for completeness – they had already been agreed at the last meeting subject to the amendment being subsequently made, so were before Council to note.
6. Regarding the 9 November 2023 minutes, Council had had the opportunity to comment electronically on the unclassified minutes and classified appendix and were before Council for approval. A vote was taken:

For:	21
Against:	0
Abstain:	1

7. The unclassified minutes and classified appendix were accepted as a true record of the meeting by a majority vote.

## Matters arising

### Obituaries

8. There had been no written obituaries received. Council stood for a minute's silence for colleagues and all members of the professions that had passed since it last met.

### Council correspondence

#### RCVS Council Election 2024

9. Council was reminded that, subject to eligibility, the deadline for submission of nominations to stand for RCVS Council was 5:00 pm on Wednesday, 31 January 2024. Council members were not permitted to nominate anyone to stand for Council and registered addresses must be used for the Nomination Form.
10. It was noted that whilst the College was seeking to make changes to the Election Scheme, until such a point where it was agreed with the Privy Council, registered addresses were still required. The elections 'pack' had been updated per the recommendations from the Council Culture Working Group and subsequent Council agreement, and thanks given to the Communications Team for their work on it.

#### Elections for Vice-President (Junior); Treasurer; Chairs of Advancement of the Professions, Education and Standards Committees for the College year July 2024 – July 2025

11. Council was reminded that any current member of Council could apply for the above roles. The deadline for submissions was 5:00 pm on Tuesday, 13 February 2024 and the elections would become agenda items at the forthcoming Council meeting to be held in March.

#### King's New Year Honours 2024

12. The following people had received Honours:

- Dr Collin Willson MRCVS (a recipient of an RCVS Impact Award in 2023) OBE
- Mr Nick Stace (former CEO of the RCVS) OBE

13. On behalf of the Royal College, the President had written to congratulate them.

#### Thanks to veterinary teams for response to ban on XL Bullies

14. On behalf of Council, and the College, the President wished to recognise the enormous challenges the veterinary teams were facing in implementing the new legislation around XL Bullies and wanted to publicly thank them all for the hard work that was being undertaken.
15. She also expressed her thanks for the swift response by the College through its various communication channels to defend members of the veterinary team across the home nations that had faced harassment and abuse through their work on this matter.

### CEO update

16. The CEO introduced the paper, which included an update against the Strategic Plan 2020 – 2024 plus a summary of activities since Council had last met. A huge amount of work continued around lobbying for new legislation, and continuation of outreach and engagement activities.

There had been many conferences at the latter part of 2023, and 2024 would begin with the Society of Practising Veterinary Surgeons (SPVS) Congress the following week. Other items highlighted were:

- the latest Survey of the Professions had been launched, data from which would also aid the development of the College's new Strategic Plan;
- development of the new Strategic Plan would be a key activity running across 2024;
- the Public Advisory Group had held its second meeting; focus was on advice to animal owners about interactions with the veterinary team, which would help inform a new section on the RCVS website;
- there had been a record number of nominations for the College's honours and awards; recommendations would be put to March Council (and February VN Council) following checks that needed to be undertaken in the meantime;
- the College was in the final stages of its current Strategic Plan and each item had been 'RAG' (red/amber/green) rated. One or two items required some more effort, the main being around innovation and supporting the professions to rise to the challenges. There had been some ideas pre-pandemic, and there was funding available to launch the bursary scheme. The larger challenge prize still required consideration on how to support veterinary professionals to help problem-solve for the wider profession.

#### 17. Comments and questions included:

- under Compassion, Action 6: unconscious bias training: it was noted that it was to be mandatory for Fellowship Assessors and questioned whether it would be rolled out into other areas, such as Practice Standards Scheme (PSS) Assessors?
  - o the training had been undertaken by members of RCVS and VN Councils, and Disciplinary and Preliminary Investigation Committees, and it could be considered to extend into other areas;
- was there any update regarding the Competition and Markets Authority (CMA) inquiry, and could Council be brought up to speed on potential actions in advance of them being made? It was felt that there was a lack of information on the CMA work and potential implications;
  - o no updates had been received from the CMA and Council would be informed as soon as there had been a response; a preliminary report was expected by the end of January. The CMA website provided a lot of useful information on its role and scope;
- re: the innovation point, some of the forthcoming decisions before Council relating to the Veterinary Surgeons Act (VSA) might not be to the professions' 'taste'. An understanding of how the regulation of professional standards mattered to them was an important piece of work and the delivery of outcomes was significant when communicating them;

- it was an interesting perspective as, originally, the item was intended to look at how innovation could be developed; skill sets within the profession, and how the College might work with the profession to tackle issues such as sustainability, or problems that were faced by the whole workforce; to be more externally focussed than around College activities. However, this could be taken into consideration moving forward.

18. The report was noted.

## Matters for decision by Council and for report (unclassified items)

### Veterinary Surgeons Act (VSA) – legislative reform

19. The President thanked the Policy and Public Affairs Manager (P&PAM) and his team for their work on this issue.
20. The P&PAM outlined the paper, and it was hoped that the principles established in the meeting would lead the College to a particular model to go out to consultation with. He reiterated the following points:
- the composition of Council sat in the VSA;
  - Council did not currently have a recommendation on what the composition should be in future legislation;
  - the government would ultimately pick up a Bill and take it through Parliament;
  - government had strong principles of its own about what regulatory governance should look like and any divergence would need to be justified;
  - Council had agreed a recommendation that it should become the regulator for the vet-led team i.e. for other allied professions in addition to veterinary nurses, which in turn would impact Council composition;
  - governance of allied professions should be considered e.g. should they have a separate committee that sat alongside Veterinary Nurses Council (VNC)? This was a secondary issue compared to their method of appointment to Council, and the composition of Council itself, which would be brought to Council for consideration in due course;
  - regarding the holistic matter of being a Royal College that regulated, it was difficult to distinguish between Royal College work and regulatory work, so there was a strong argument for a single coherent governance structure;
  - VNC had also been considering reform of its own governance; more discussion was required.
21. Decisions within the paper were briefly outlined:

- primary versus secondary legislation: had been considered by Council previously. It was noted that composition of Council was currently in primary legislation, which made it very difficult to reform. The core principles behind the Legislation Working Party (LWP) recommendations were around flexibility and futureproofing, with a strong argument for composition in secondary legislation allowing the College to make further changes as required;
- composition of Council itself: detailed models had been included that reflected how specific composition could look like, dependent on the in-principle decisions made (model options are detailed at **Annex A** to the minutes);
- election of members versus appointments: the key aim of assurance to the public and government was to be a regulator acting in the public interest rather than the interest of the profession. A core reason why the government sought appointments as the basis of selection to boards and governing bodies, was to be independent and ensure that there was an appropriate spread of expertise;
- lay parity: not having a majority of professional members would give public assurance that the profession was not 'marking its own homework' and enabled outside expertise and perspective to be brought in on regulatory matters, etc. Council should focus on governance issues and the matters requiring more expertise should be considered at committee level, as it was with other regulators;
- Veterinary Schools Council (VSC) representatives: other regulators did not have external appointees; whilst educationalist expertise was necessary and important, it could be provided for via general appointment criteria, and also by ensuring appropriate expertise on committees;
- composition options closer to the status quo would still require some change to allow for additional allied professional members, which would otherwise be difficult to do without increasing the size of Council;
- separation of the President and Chair of Council: this could potentially widen the pool of candidates for both roles, for example, being Chair would not necessarily automatically fall to a veterinary surgeon, it could instead be a person with expertise in chairing a meeting and governance; with a ceremonial presidential role for attendance at graduations and being the 'face' of the College.

22. The President then read out a letter from Professor Stuart Reid FRCVS, Chair of VSC, which had been sent to the P&PAM:

*"Dear Ben,*

*I am writing as Chair of the VSC. Thank you for your recent email and for sharing the likely*

*proposals that will come before Council this week. Having received feedback from most of my VSC colleagues, and keeping things to the point:*

1. *We understand the motivation for change in the face of an opportunity for new legislation.*
2. *We endorse the need for RCVS to consider governance issues and be proactive rather than run the risk of an imposed model.*
3. *We support Council's apparent desire to maintain the current size of Council; whilst we recognise this is larger than many, the need to maintain sufficient breadth is important given the fact that other allied professions may be embraced by RCVS's regulatory authority.*
4. *We support a fully appointed model.*
5. *We support parity in numbers of lay members and members of the profession(s).*
6. *We understand, of course, that this would mean current reserved appointments would end.*
7. *We oppose replacing appointed positions with elected positions.*
8. *Our support stated thus far is contingent upon:*
  - a. *An appropriate skills matrix for the fully appointed Council.*
  - b. *Appropriate delegation of operational regulatory activities. By this we mean if the fully appointed Council is an overarching Board focused on governance, then the committee structure and composition would need very careful consideration. In the case of Education Committee, we would propose a model that other academic / professional regulators / accreditors use in North America and Europe, viz 50% of EC being appointed by / from the academic community (as was understood at the last major governance review in 2015).*
9. *We understand that there will be further consultation on the issues.*

*I hope this is helpful. As I am sure you appreciate, there has been very little time for us to consider the proposals but I hope this response allows good debate at your upcoming meeting.*

*With all best wishes,*

*Stuart"*

23. The President noted that the role of VSC representatives on RCVS Council was not usually to be VSC spokespeople, and asked whether, in this instance, they had anything further to add to the comments within the letter from a VSC perspective. Comments included:

Professor Parkin

- the matter had been consulted on quickly by the VSC and the comments contained in the letter were the feeling of everyone;
- greater value was membership of Education Committee (EC) rather than Council and it was important to ensure an aim of 50% parity on EC from appointees, from VSC, or similar;

- it was important to remember that if the College moved to an appointed Council, it did not preclude members of the schools being appointed to Council;

#### Professor Wood

- parity on EC was critically important;
- the VSC recognised that it might be regarded as being disempowered by removal from the Council's composition, but that was not the case;
- when thinking about overall governance issues and public confidence and public regulation, it was clearly outlined what the changes should represent. It was timely and appropriate that VSC representatives should step away from Council, provided there was clear, appropriate representation on the EC; which should be 'hard wired' into terms of reference;
- there was full confidence in moving to a purely appointed Council and it was believed that great improvements would be enabled and that it would be an exciting change;

#### Dr Jones

- the phrase 'hard wired' was good. Support from VSC was contingent on reassurances around EC and questioned what the process would be from there to address that and underpin support.

24. The Senior Vice-President from the British Veterinary Association (BVA) was invited to present its draft views to Council.

#### Presentation by BVA Senior Vice-President, Dr Morley

25. It was noted that the BVA was grateful for the College engagement with it at an early stage and for providing time to consider the topic thoroughly. The reform of the VSA was a pressing and key issue for collaborative work; it was in the BVA's manifesto in the run up to the next general election and extensive work was being undertaken to lobby parliamentarians. RCVS governance did not currently align with regulatory best practice and it was important to note that reform could be forced upon the profession as a condition of legislative reform, with far-reaching implications for generations to come.

26. The BVA had set up a Working Group to consider the topic, comprising:

- BVA Officers;
- members of its Policy Committee;
- representatives from:
  - o the British Small Animal Veterinary Association (BSAVA)
  - o the British Equine Veterinary Association (BEVA)
  - o the British Cattle Veterinary Association (BCVA)
  - o the British Veterinary Nursing Association (BVNA);
- past Presidents who had been part of the original response to the LWP recommendations; and,
- external input and experience of regulatory reform in the human healthcare sector.



27. Key questions considered by the Working Group were:

- function of VSA and Royal Charter?
- comparative governance – what did regulatory best practice look like?
- election vs appointment?
- regulation of allied professions?
- Royal College functions

28. The BVA broadly supported the following broad principles with the caveat that they were neither conclusive nor final:

#### RCVS Council

- members, both veterinary and lay, should be appointed rather than elected, following independent assessment against a clear set of competences.

This was on the basis that the usual and accepted purpose of an election process was to enable voters to select leaders to represent their views with elected members standing on a manifesto, and then held accountable for their performance in office. Given that RCVS Council members were not explicitly elected to represent any kind of constituency, a process of election was at odds with the role; independent assessment against a clear set of competences would be more appropriate;

- RCVS governance should be brought in line with governance arrangements seen in regulators in human healthcare.

In human healthcare there was greater parity between lay and registrants; it was difficult to find a strong case for vets being any different. This would likely mean a smaller board type structure, although it was noted that reducing the size of RCVS Council was not part of RCVS proposals. With the additional complexity of new allied professionals, the size of RCVS Council was an area where the Working Group struggled to reconcile views on regulatory best practice and the very reasonable expectation that regulated allied professionals would want to be represented;

- allied professions regulated by RCVS should form their own equivalent of VN Council.

The integration of the regulation of allied professionals was recognised as a significant outstanding challenge. It was agreed that allied professions regulated by the RCVS should form their own equivalence of VNC with a formal means of engaging with RCVS Council built in;

#### Scrutiny

- RCVS should commit to self-assessment against the Professional Standards Authority (PSA) standards and publish the outcomes of that final assessment in full.

Anticipation of RCVS progression towards the regulation of allied professionals and veterinary practices through mandatory practice standards was supported, a very significant widening of scope of the RCVS. Human healthcare had oversight from the PSA, and it was felt that a commitment to self-assessment against similar standards would be beneficial as progression was made towards legislative reform and its associated risks;

#### Clarity of functions

- RCVS should strive for greater clarity of organisational identities, purposes, structure, and governance, and communicate it effectively and consistently with the professions and the public.

Whilst it appeared to be out of scope of the paper, it had been impossible for the Working Group to discuss regulatory best practice without discussing the unique position of the RCVS as a Royal College that regulated.

The BVA's response to the LWP's recommendations was broadly supportive that the status quo should remain, and that separation of functions should not be recommended without good reason. However, it was also felt that evolution was certainly needed. Clarity of RCVS functions was an area that was returned to repeatedly during deliberations and had been difficult to move on from;

- RCVS should articulate more clearly the activities that it considered to be Royal College and regulatory functions.

This would allow space for the RCVS function to be championed by the RCVS and embraced by the profession;

- a separate governing Council for the Royal College should be established, with elected members;

#### Final points

- the Royal College should be for the veterinary professions, with other allied professions establishing their own similar bodies, if needed;
- the question of separating the role of President and Chair had not been considered in detail, and whether the composition of Council should be enshrined in primary legislation or not would require further consideration by the Working Group;
- the BVA looked forward to future discussions and further consideration when it responded to a formal consultation on these challenging and complex questions.

29. Comments and questions directed to Dr Morley and the presentation were:

- picking up on the preservation of the important Royal College function, BVA did seem to be travelling towards more than a Council type structure and the grounding in the profession through an elected element;

- looking at regulatory best practice, it was quite different from what Royal Colleges might undertake. There was a role for election but within the Royal College side rather than the regulatory side, but, as had been indicated, there was difficulty in disentangling those functions;
- was it possible to clarify what was meant about having a separate Council for the Royal College and a different one for the regulatory activities? Did it mean them becoming two separate entities or within the same RCVS organisation having completely different Councils?
  - that was the only place in the presentation where the word 'separation' was used, a lot was about the clear articulation of the functions. To be clear, in response to the LWP recommendations, the BVA was not saying there was a need for separation, but that evolution should certainly be considered; these were only preliminary views and should not be seen as final;
- the word might only have been used once but that could be considered to be the 'thin end of the wedge' that got thicker and separated two elements much like the pharmacists, but it was a helpful presentation.

30. The President thanked Dr Morley for his presentation and opened the floor to general questions. General comments and questions included but were not limited to:

- it should be noted that whilst this was the first time being discussed in open session, these issues had received a lot of previous consideration; and it was not a quick decision;
- as a member that had been elected to Council, the people who elected members felt it was important to have first-opinion vets in practice on Council in order to feed back day-to-day experiences and how any changes made would affect their work. The majority of the profession was in first-opinion practice and it could be argued that a lot of the work of the RCVS as a regulator was not first opinion, but, instead, for example, in public health or international accreditation. It was questioned how the College could ensure legitimate and relevant first-opinion views in an appointment system, particularly when the nature of people applying for appointments were generally from roles other than in first opinion practice;
  - when setting out an independent process, core criteria had to be established and representation from that part of the sector would need consideration, in the same way that any other 'gaps' were met such as: small animal, equine, farm, sectors; all four nations of the UK; Official Veterinarian expertise, etc., that was not always achieved through elections. If moving towards best practice and a Council that was focussed on governance, then the importance of expertise should be on the committees where those types of decisions were being made;
- Council was not currently representative of the profession, there were first-opinion veterinary surgeons but very little in the way of public health, for instance;

- regarding the principles of governance, effective governance worked. Whilst not being averse to change, it was concerning as it seemed that wherever radical change was brought about by government there was chaos, whether in the commercial or public sector, that included changes to culture and a lack of accountability and knowledge of the business. The total change from an elected system to an appointed system without any detail was concerning; already the VSC had made its support contingent on a 50% representation on EC – unless some of the detail was in place any change to an appointment system was a leap into the unknown. It would be good to see change to improve the College's governance and take it into the next decade productively; Council composition had evolved over a number of years and appointments were part of that process, but there should be caution about changing what was currently a positive culture into a negative one;
- there was a lot of talk about best practice, but did it work? Was it any better than what the College currently had? What work was being done on SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis of the various options proposed? There was a very real disconnect between the coal-face profession and Council; by maintaining an election process for part of Council, there was an option for engagement with the profession and ability to move forwards with changes such as under care. Comments about the College not being a membership organisation were noted, but it did have members by default, and election was a key process for engagement. Regarding public protection and working in the public interest, there was a degree of that built in with the work vets did with animals and by working with the people that owned those animals, otherwise there would not be any clients;
  - o there was not a great deal of literature that compared success rates of different regulatory models, but the emphasis was on best practice, which had been established by the government; if the College did not propose something closer to best practice, then a best practice model would likely be imposed on it by the government. Regarding the culture point, the College received criticism from the profession, as did all regulators, but there appeared to be some confusion about its role, some of which came from the fact it had elections – there was a sense that the RCVS should be acting in the profession's interest because it had an elected body, whereas it was there to protect the public interest; moving to an appointed system would make that point clearer than it currently was;
- the Law Commission review was a two-year piece of work published in 2014, which brought about the regulatory reforms in human healthcare regulation triggered by a situation that the General Medical Council (GMC) found itself in after the Shipman reports. Evidence of whether it worked or not was another question. All of the healthcare regulators – including the General Pharmaceutical Council (GPhC), which had had the model the RCVS currently had (under the Royal Pharmaceutical Society) – was required to split. The risk was that the RCVS could be forced to separate into a regulator and a Royal College, so now was the time to show government how it would work as a combined organisation;
- change could be forced upon the RCVS given that it was a political issue across all parties, but there was a wealth of evidence across most regulated professions on the impact on public perception of having more independence to the governance structure by having things like appointments and lay / professional parity. For example, research had been published from a

survey of over 2,000 consumers on legal services, what influenced their views, and whether there was trust and confidence in the professionals delivering services. It came across very strongly that, regardless of the profession in question, it was about the governance of the institutions, and the processes that supported them was fundamental;

- regarding professional engagement, it was recognised that there was some disconnect particularly when the College made decisions that did not suit everybody; that already happened within its current elected process. Moving to an appointed system was not a panacea, but it was also known that what the College currently had was not perfect either; the number of people engaging with the election process was relatively small and many more people engaged with consultations, outreach programs, general communications, and surveys. So, there was engagement, and it was important to continue that and with greater clarity about what the individual roles were, the people on Council, and what the roles were of that extension process. To say the public paid vets to work on their animals, and that they therefore worked in public interest was a bit of a non-sequitur – working in the public interest was not the public paying you to do a job, that was market forces. Whilst the relationship between vets, owners, and animals was important, there was another layer of public engagement above it that was slightly different, which was where regulatory bodies sat; good interaction with members of the public remained essential and it was a reason why the College had set up the Public Advisory Group (PAG), but the ‘public interest’ was different;
- the PSA website had a lot of useful information of how healthcare regulation had developed;
- veterinary nurses were currently in an allied profession role, and it was unknown which other professions might want to come under the RCVS ‘umbrella’; how would that structure look? Would veterinary nurse membership be eroded as other allied professions came under RCVS regulation? Would membership numbers be set in stone?
- veterinary nurses were an allied profession and Associates of the College under the Royal Charter, which would continue. Additional allied professionals brought on board would also become associates and would have equal status. How new associates were regulated could be considered at a later date, for example, whether they had a parallel Council with VNC, or whether some could be merged together, as well as the mechanism for how those groups could appoint allied professions to Council. It should be noted that the key principle was that allied professions would expect to have a stake in their own governance in the same way as vets and veterinary nurses currently had, so space would be needed to be made for them. The paper had models laid out in it, one of which was to continue with two veterinary nurses but that over time it could be rebalanced to add additional allied professions using secondary legislation with details considered at that time;
- [!] envisage future representation to be based on percentage – an allied profession of 200 people was different to 23,000 Registered Veterinary Nurses (RVNs), and it was important to be flexible;

- agree with the concern about moving from elected to purely appointed members of Council because front-line vets were not the sort that would often be appointed. There needed to be a guarantee of how they could be appointed as it was in the public interest to have them represented. [I] do not think it would be a popular decision to get rid of the chance to get into a position on Council and could potentially lead to more accusations of secrecy and the College being an 'ivory tower';
- it was important to have the breadth of expertise on Council and appointments could provide the means for a skills matrix to provide a good crosscut of expertise. Thinking about workforce and having an awarding and fulfilling career, working for the RCVS was a fantastic personal and professional development opportunity; those members that were not quite at the right level could be co-opted onto committees in order to gain experience from that work, to be a potential 'pipeline' towards Council – not as a guaranteed progression, but to develop skills;
  - o the appointment process would be in the College's gift to say what the needs were, and it would be a type of job interview process with a job specification; it would not just be a random selection of people but used to create a culture where people wanted to stand;
- it was a new concept and would take time to bed in, it would also help people that did not have a large social media presence;
- given the Royal College that regulates position, if the College had some differences from the government-defined regulatory best practice, it could justify and explain the rationale behind the decisions and allow its governance to evolve rather than having to make sea changes. The conversation kept returning to the importance of committee roles so the detail of committees should be considered – Council was trying to stay at high level on the principles, but it was struggling as it wanted to know the detail of how it could pan out;
  - o the RCVS Delegation Scheme was reviewed annually by Council at its June meeting. It laid out the role of Council and then the elements of those functions that were delegated to committees and subcommittees. In most cases it outlined the composition of those committees. Returning to the points made by VSC colleagues, it did currently state that between 30% - 50% of Education Committee, for example, would be educationalists, so that was already specified; it also outlined the terms of reference for those committees – that was in the College's gift, it was not in legislation, so Council as a group could review and amend it, and could be flexible and variable with approval over a period of time. It tended to be smaller changes year on year, but it might be appropriate if looking for broader governance changes to be more radical;
- when considering an appointed Council, it was important to avoid the word 'representation' and instead talk about balance; be clear that the role of Council was not to be the repository of expertise for an organisation. There was an opportunity to review the College's advisory and engagement structures across both the regulatory and Royal College functions, and how to bring improved engagement into discussions and policy making. There was also the opportunity to ask questions about areas such as the role of the Fellowship Board, and other

aspects – not that it should become part of the governance function, but rather that there was clearly a great deal of expertise available.

It was concerning to hear the VSC comments about half the places on EC because that had the potential for another form of regulatory capture where the education institutions had the ‘whip hand’ on matters. If it was radical to say 50% on EC should be lay and 50% VSC, that left out any other non-educational veterinary input, and caution would be advised; the VSC might need to reflect on those implications as well in terms of overall public confidence in the regulatory regulation.

Regarding the matter of whether the Chair of Council and the President should be separate, could Council consider whether the President should not actually be a member of Council, and instead have a figurehead leader of the profession that had an important role in the profession but not necessarily have to sit in meetings; that could assist with some of the issues around election representation in the profession and keep engagement in a different way;

- the BVA presentation pointed to what it saw as an evolution or direction of travel towards separation. Could it be clarified that separation was not currently part of the scope, or was it something that Council should be discussing?
  - o one of the Legislation Working Party recommendations already adopted by Council was that the College should continue to be a Royal College that regulated, and the important holistic benefits had been previously discussed. It was strongly argued that the governance structure should reflect that because otherwise there was a potential for conflict.

It should be noted that there could be some reputational risk if there was a President of the RCVS that was not bound by Council’s collective cabinet responsibility, for example, if Council made a decision and the President that did not have a ‘stake’ in it and publicly disagreed;

- in relation to public confidence and constituencies, there was increasing corporatisation of the profession. Public confidence became increasingly important if the College was seen to be in a position where it could not deliver against that; be clear what the role was, and how appointments helped to make sure the College had the requisite skills and lack of conflict of interests;
- as an appointed RVN member of VNC, [I] could confirm that it was a very vigorous process, completely external to the RCVS processes, it was a separate application and interview process, and very fair. An earlier point raised was to ensure everybody was represented, an appointment process could provide an allocation of a place to, say, a new graduate, who might not get onto Council if it was via the election process. The College / Council was there for animal welfare and the public, but an election did not really take that into consideration;

- the disconnect between the profession and its governing body had been discussed at previous meetings and there had been some very good suggestions to bridge the gap. The prospect of appointments from committee was an excellent way of getting people in that might not think about applying for Council but might be prepared to think about applying for committee in an area where they possessed expertise; a hybrid model between appointment and election would allow balance;
  - o the current Delegation Scheme did allow for external appointment to committees and, going forwards, particularly if the number of vets was reduced, it would ultimately make more sense to do that to ensure the correct expertise on committees;
- the RCVS could provide opportunities to develop certain skills and it was understood that if the College went forward with an appointment system that it would come up for decision at Council at a later date as to how those appointments were made. Going through the points: it should be in secondary legislation; 'for' moving to an independent appointment system; gut reaction would be to look at Option 4; by doing so, remove VSC appointees and include them within general appointees; and do not separate the Presidency and Chair of Council role;
- in terms of educational expertise on Education Committee, there was currently a range of between 30% and 50% in the delegation scheme; a 50% representation would bring it in line with European and American colleagues (European had 50% plus one from educationalists) and the support of the VSC was contingent on the understanding there was closer to 50% parity on EC. In terms of not 'marking our own homework', there were a lot of matters that EC considered, not just monitoring what went on at the vet schools and accreditation visits, but, if a member was on Primary Qualifications Subcommittee (PQSC) they would not be permitted to be a visitor for school accreditations, so there were mechanisms in place and a strict conflicts of interest policy to prevent that;
- regarding conflicts of interest and unconscious bias, the College was aware it was a small profession and that it needed educationalists on EC, but it was about managing interests and ensuring balance;
  - o an educationalist did not necessarily mean someone from VSC. Care should be taken in the language used: there might be someone who was extremely proficient on education matters that was not a head of school, nor on VSC, the point was to get relevant people with relevant educational expertise and the College should ensure that it did not inadvertently get itself into a too narrow a field; there was also the language around appointments, it should be appointed *from* not appointed *by* VSC;
- against a purely ceremonial President, the roles should not be separated. Regarding proposed options, it was worth re-iterating a previous suggestion of six elected vets; six appointed vets; six lay appointments; and six associated professionals, or, failing that, have a fallback position of status quo. When consulting the profession, it needed to be meaningful, with an opportunity to clearly dissent / discuss the options rather than a binary choice of a few limited options where the RCVS had already made up its mind.



As it was an evidence-led profession, the same approach should be used, the RCVS was a College that regulated so it should expect its governance structure to look different to that of other regulators. It should not look to other regulatory sectors for its models, as vets required their qualification to be able to work; there should also be research into professions that had previously taken such steps in terms of consequences they had subsequently faced.

In terms of appointment versus selection, vets were not elected to represent a faction of the profession; they were elected from among experts, who considered them in their professional opinion the best able to work for animal health and welfare by maintaining the professional standards – the Council itself was not capable of the breadth and depth of that expertise, so why should criteria be set by a handful of people when there was an election by a vast body of experts? Appointment was not independent as the Council came up with the criteria, that was then used by an external agency to come up with the candidates. The current composition of Council was balanced, and the election model was working.

Regarding veterinary majority versus lay parity, the main argument appeared to be that everyone else said it was good practice rather than have data that showed whether it was better or worse; the most appropriate people to set and uphold standards for vets, were those with expert knowledge of the industry and had something to lose should salaries be lowered. The second argument seemed to be that the College should capitulate before change was forced upon it – that was more about losing face than good practice and was not a good motivator for change. In addition, what would be the preferred structure if there was not regulation of allied professionals?

Finally, consideration should be given to the College's track record. Did Council think the College was failing in its current functions? If yes, why was it not holding itself and the leadership to account; if no, there was no argument for changing the model significantly from the existing pattern, because it was effective. Efficacy must be the motivator of decision-making;

- for clarity around the process of an independent appointment system, such as, for example, the recruitment for Preliminary Investigation Committee (PIC) and Disciplinary Committee (DC) that was a similar situation, there was much mention in relation to 'oh, it was not for me' or, that people would not come forward. To combat that, the College put on a webinar that had the biggest response seen in years at the RCVS, there were people from all ages and stages of their career, and there was an appetite to learn more. The process worked in terms of skill set, where the College decided what it felt was appropriate and there was a much wider pool than had ever been seen in an RCVS election in terms of absolute numbers applying for the roles. There was a separate panel, that included people from the veterinary world, and other regulators, and that worked very well. There were no fears in terms of the breadth of people who would be attracted to coming forward and it was believed that there would be a much wider range of people than under the current system, including those who for personal reasons hated the visibility of social media. Once the criteria were set and the agency selected, the College then stood back and waited for the outcome, so it was not directly involved in choosing

the candidates, there was a wide range of people being selected against a criteria. That had been valuable in the past and could be very helpful in the future;

- returning back to the headline, it was a discussion about governance, and the words representation and experience have been mentioned. If the College moved to a different model, there was the possibility of having people on committees that could feed into Council discussions. It had been decided that Council should remain as 24 – hold onto that because other regulators had been much reduced and some were in single figures; by setting the figure of 24, it would reassure those that would worry. Council would also decide what competences were required and retain control over that under the proposed reform;
- care should be taken in going to a fully appointed system because of the amount of work and complexity of what the College did, and its ability to serve the public and the profession in its Royal College and regulatory role. In trying to preserve both; the democratic effort kept Council grounded; it was not the first round of appointments that was concerning but the subsequent appointments that could start to drift away from being rooted in the original type of approach. When the profession decided the structure, it was the RCVS; when the executive and appointed Council started to redefine the criteria, the direction of travel could mean Council started to ‘drift away’ – the organisational group governing the RCVS should be built into the detail in terms of protection and the balance that would preserve everything good and develop that for the future;
- it should be remembered that this was not all in the College’s gift; the government would make a decision about what happened – had there been any steer from Defra?
  - o Defra had not gone into any detail to provide a useful steer; previous conversations had been around their understanding of what best practice was. It should be noted that it was not just Defra – once a Bill reached Cabinet level and parliament, there would be plenty of other people that would take a view on it that were not interested in the specifics of the veterinary profession but that did know what good practice looked like in terms of regulatory principles. They might not understand why the veterinary professions would want to be different, and the argument that the veterinary profession was unique and thus should be regulated differently was unlikely to be persuasive;
- BVA’s comments about how the other regulatory and allied professions could be regulated on the same structures as VNC was interesting; it was unknown what other professions would potentially wish to join the College. At the moment, vets had a degree from an accredited university, with evidence-based education, the College tried to promote evidence-based practice and a lot of clinical standards were applied – how did the College prevent dilution by non-evidence-based pseudoscientific health providers that wanted to be regulated by it, and then how would Council be structured if there was a homoeopathy chiropractor at the highest level on Council if they had come up through another allied profession? There had been precedence, and it undermined all of the evidence-based medicine and standards that the College had been promoting for a long time, and, as mentioned, it was somewhat out of the College’s control – once it went through parliament there was no guarantee that Members of Parliament (MPs) would care;

- it was an important consideration. Historically, before the Legislation Working Party, there had been the Exemption Orders and Associates Working Party that looked at the types of para-professions that might end up being regulated by the RCVS. Core criteria established were that anyone the College regulated should have a grounding in science, and that they should not be a reputational risk, so the core principle had been established and should continue. In terms of governance, all of the models in the paper preserved a majority of vets relative to other allied professions on Council, which was another check and balance. What the College was asking for was a framework Bill that would have a piece of enabling provision to bring in new allied professions, but the intention would be that it was something the RCVS agreed to and then the government helped to enable it to happen, rather than it being imposed upon it. The government *could* impose something, and so long as parliament agreed, they could do whatever they wanted, so the College needed to be cautious that any new legislation that replaced the current VSA had those checks and balances of allied professions practising in an evidence-based way as part of the vet-led team in ways that would improve animal health and welfare and provide the public that assurance;
- these were only recommendations of what the College wanted, the government would ultimately decide, so that had to be balanced in the recommendations – if the College went against what the government was likely to want, then the risk was in getting nothing like what it wanted. Times had moved on since the current Act was enacted in 1966, when only vets could own a private practice for instance; now there were fertility clinics – that was evidence of change;
- would new allied professional members of Council be considered professional or lay members, in respect of seeking to achieve lay parity? Would there be one register of professionals, or separate ones?
  - the distinction was normally made between registrants i.e. between people who were on a register held by the regulator – vets, vet nurses, future allied professionals that followed relevant codes of conduct – and lay people who might be professionals in their own right, but not of the same professions that were being registered by that body. It was expected that there would continue to be separate registers for each profession;
- there were benefits to an appointment system, not only from inclusion of the specific expertise the College was looking for, but also by having people willing to be on Council putting themselves forward, so it was the best of both worlds. As this was not in the College's gift, it was a discussion; whilst in favour of the appointments system, there could be a further hybrid option of six appointed and six elected;
- one of the key issues related to the engagement of the veterinary profession. With respect to those people that had stood for election, they had been elected by a small proportion of the total profession and that did not mean the profession was engaged; such a low percentage was a real problem – for every model, the RCVS needed to be far better at engagement. In relation to the thinking of 'if it was not broken, do not fix it', the College might end up with

something worse; far from being perfect, the College should strive to improve and the movement towards appointments did a great deal in that respect – it might help focus the College through all of its activities and directly engage with the profession rather than relying on elected members, despite their hard work, working in a system that did not facilitate sufficient engagement. Drive towards change, taking a modern approach to what was expected of a regulator as well as a Royal College, as they were not inconsistent;

- Council was being asked to make decisions and that these were for future consultation, could it be clarified what happened next?
  - o there would be a consultation on any model that Council recommended, which would be additional opportunity for engagement with the profession and to look at best practice – how it was done elsewhere including on things such as the committee question raised. It would not be a definitive answer but would set a direction of travel. Further consultation in the future would include refinement of details to be decided upon at Council at a later date;
- a question on the more ‘extreme’ models – had there been talks on how Council could contribute to discussions on what was an act of veterinary surgery and what was delegated to the broader range of veterinary and para-veterinary professions, because there was a danger in terms of protecting the public that the focus on animal welfare was lost in Council authorising delegation for acts that should remain with the veterinary surgeon?
  - o the College had asked for a mechanism in any new act that would allow greater flexibility to delegate to allied professions where evidence suggested that it should be so; the decisions would continue to be matters for the RCVS within the appropriate committee; a good governance process would ensure that there had to be appropriate checks and balances.

31. The President drew the discussion to a close and turned to the decisions outlined in the paper.

32. Council was asked to decide on the following question, with the potential for further details to be agreed at a later meeting:

- a) Whether the composition of RCVS Council should be underpinned in primary legislation or whether it should be a matter for more flexible secondary legislation?

Primary:	4
Secondary:	18
Abstain:	0

33. The composition of Council should be in secondary legislation was agreed by a majority vote. This would go out to consultation with the public and the profession.

34. Council was asked to decide on the following question, with the potential for further details to be agreed at a later meeting:

- b) Whether elections to RCVS Council should be replaced with an independent appointment system?

For:	16
Against:	5
Abstain:	1

35. An independent appointment system was agreed by a majority vote. This would go out to consultation with the public and the profession.

36. Council was asked to decide on the following question, with the potential for further details to be agreed at a later meeting:

- c) Whether Council should adopt a parity of registrants and lay members?

For:	11
Against:	11
Abstain:	0

37. As this was such an important decision, the President chose not to use her casting vote and the decision remained split. This would go out to consultation with the public and the profession.

38. Council was asked to decide on the following question, with the potential for further details to be agreed at a later meeting:

- d) Whether Council should reform its composition to remove the VSC appointees?

For:	20
Against:	0
Abstain:	2

39. Removal of VSC appointees from the composition of Council was agreed by a majority vote. This would go out to consultation with the public and the profession.

40. Before continuing with the votes as outlined in the paper, the various model options in the paper were noted. As there had been a split decision on parity (question (c) above), option 6 (lay parity without VSC, 12 professionals / 12 lay) would remain part of the consultation to go out to the public and the profession.

41. To assist with a decision on which other model to go out to consultation with, an additional decision was included that was not in the paper to help inform a 'direction of travel' and additional details to include in the consultation.

42. Council was asked to decide on the following question, with the potential for further details to be agreed at a later meeting:

Whether Council is content to move from a majority of veterinary surgeons to a majority of veterinary professionals (including veterinary nurse and any other future allied professional members of Council)?

Keep majority of veterinary surgeons:	9
Move to majority of veterinary professionals:	12
Abstain:	1

43. A move to a majority of veterinary professionals was agreed by a majority vote. This would go out to consultation with the public and the profession as part of whichever remaining option was decided upon in the next decision before Council.

44. Council was asked to decide on the following question, with the potential for further details to be agreed at a later meeting:

- e) Which reform model for the composition of Council should be consulted on as a potential replacement to the status quo in any future legislation to replace the Veterinary Surgeons Act 1966? (Specific options voted upon were dependent on the outcome of the preceding votes.)

Option 3 (veterinary professional majority (15) without VSC and increased lay (9)):	7
Option 4 (veterinary professional majority (13) without VSC and near parity lay (11)):	14
Abstain:	1

45. Ms Worthington experienced technical difficulties and submitted an email vote that was included in the figures.

46. Option 4 was agreed by a majority vote. This would be the second option to go out to consultation with the public and the profession along with Option 6 as previously agreed (see above). It was noted that both options were similar and whether it was a slight majority of professionals (option 4) or absolute lay parity (option 6).

47. Council was asked to decide on the following question, with the potential for further details to be agreed at a later meeting:

- f) Whether to separate the Presidency and Chair of RCVS Council?

For:	11
Against:	11
Abstain:	0

48. The President chose not to use her casting vote and the decision remained split. This would go out to consultation with the public and the profession.

### Discretionary Fund

49. The DoOps explained that the Discretionary Fund was an allocation in the budget for expenditure on items not provided for to allow for new ideas within a budget year, and to enable strategically important changes to be fast-tracked. There were financial controls in place and the provision in the 2023 budget was £150,000. The expenditure was reported through Finance and Resources Committee (FRC) as part of the Management Accounts.

50. Since the last meeting there had been two applications:

- to set up a Mandatory Practice Standards Working Group, as approved by Finance and Resources Committee (FRC); and
- for a Veterinary Clinical Career Pathways Project, as approved by RCVS Council.

51. It was noted that the applications in 2023 had totalled £149,000. It was further noted that the Discretionary Fund provision in the 2024 budget would also be £150,000.

52. There were no comments or questions, and the update was noted.

### Eligibility of veterinary graduates from EAEVE-approved / -accredited schools for RCVS registration

53. The Chair, EC, introduced the paper. She explained that the European Association of Establishments for Veterinary Education (EAEVE) was a member of the International Accreditors Working Group (IAWG), of which the RCVS was also a member. This issue had begun in 2019 when the UK exited from the European Union (EU), and there had been concerns about the workforce at that time as, prior to EU-exit, approximately half of new registrants each year had been from the EU. Then Covid-19 also impacted the movement of vets from mainland Europe.

54. The RCVS implemented new accreditation standards last January and it had been noted that there was increasing divergence as the RCVS now had some standards that EAEVE did not. However, it was recognised that EAEVE-accredited schools provided more assurance of educational standards than the previous Mutual Recognition of Professional Qualifications (MRPQ) Directive, which the RCVS had had to abide by when it was part of the EU.

55. The increasing number of registrants was outlined in Appendix 1 to the paper. In addition, the number of applications to sit the Statutory Membership Examination (SME) in 2024 was almost double that of 2023, at just over 200. That was very positive in terms of workforce and vets entering the UK.

56. The decision on eligibility of graduates of EAEVE-accredited degrees for registration came to Council on an annual basis – the policy had been temporary from the outset, and the decision in front of Council was whether to extend it.

57. However, it was important to look at this matter in the broader context to ensure that there were no unintended consequences. In June 2023, Council considered a Food Standards Agency (FSA) scheme that was first introduced in 2020 as there was an acute shortage of Official

Veterinarians (OVs) supporting the meat industry, meat sector, and inspection certification. The FSA had approached the College with proposals for a scheme whereby they could take veterinary surgeons that had a degree from an EAEVE-accredited veterinary school, and had at least achieved level 6 International English Language Testing System (IELTS) among a number of other criteria, to bring them to the UK and join the Temporary Register for a limited period within which they were expected to achieve full compliance with English language requirements. That had been agreed initially for 12 months and was subsequently given two extensions. In June 2023, they requested a three-year extension, which was decided against, and instead an 18-month extension was agreed. Council needed to be mindful of that when the decision before them was discussed about the eligibility of registration. Should the RCVS not agree with the EAEVE extension for a further year, that would have implications for the FSA initiative.

58. Comments and questions included but were not limited to:

- how much was the College following up on the consideration of the proposal for funding to support direct accreditation of EU schools, currently with Defra? The College needed to continue with this temporary recognition for the time being, but there was concern for the drift in alignment of standards – significant differences were now emerging that caused concern. This was a pragmatic way forward, but could there be a way of expediting the direct route to accreditation?
  - o a proposal for funding had been submitted to Defra and remained with them and the College had received no indication of a response. While the temporary decision to accept graduates from EAEVE-accredited schools remained in place, there was less motivation for EU schools to request direct accreditation;
  - o the proposal had been submitted in January 2023 when Defra had asked for some different funding options that were duly provided. The College was aware it was under consideration, but it was still awaiting a response. It was noted, however, that there was a lot of competing issues for their attention;
- being mindful that Council supported this provision when it first came in because of the workforce issue and pandemic combined with leaving the EU, that was now four years ago and there were now two, or even three, sets of rules. The RCVS put the UK schools under a lot of pressure, as a regulator should, but at the same time it seemed there was a different set of rules for RCVS-accredited schools outside of the UK in terms of what their students had to do, and another set of rules for EAEVE-accredited schools. This was very different to the FSA area where, in some ways if you were to compare standards very crudely, the EAEVE standards had stronger requirements particularly around the food science side of things compare to the RCVS standards. The idea of people working for the FSA, or their contractors, was relatively straightforward. A proposal to move away from eligibility of EAEVE-accredited school graduates had been with Defra for a year and there had not been an answer, which was not good enough as a regulator to not have had a response; the only way to get a decision was to vote to change this and no longer vote to extend this for 12-months in order to sustain standards;



- from a student perspective it ran counter to some of the other areas UK schools were working exceptionally hard on in terms of wider participation, diversity and inclusion, where more needed to be done to attract students that were potentially more likely to be retained within the profession. Direct accreditation of individual schools was a good approach, and the College should be looking beyond the EU given that it was unlikely to change anytime soon, so it should broaden its horizons and look for more willing participants who could come on the journey with it;
- the conversation needed to be more about just whether to extend the scheme or not, but also what the College could do to get out of it, not just to carry on with the increasing divergence in standards, which was the way it was going;
- the scheme should not be extended indefinitely, and the College should consider what its end point should be, to give the FSA time to adapt as whilst they were starting to make progress on improving resilience for the sector, it might be premature to take this away just yet. Regarding using EAEVE graduates to 'plug the gap' and help with retention, was there any data on whether EAEVE-accredited vets had longer retention relative to UK graduates as that was relevant when considering how useful they were for helping with retention?
  - o this could be looked into; the data was not easy, but the College could look at those leaving the profession and the reasons for doing so and work backwards;
- the College was aware of the FSA position in that it was a continuous recruitment requirement because of the numbers that wanted to transition into private practice, who were supported with Continuing Professional Development (CPD) and directed towards the SME. The current numbers were unknown but when the College first looked at requirement post-EU-exit, that was one of the points the FSA made;
- the FSA angle was not in the paper and the Chair, EC, referred to it as being a related decision, but independent. What was being considered was wholesale allowance of EAEVE-accredited graduates to enter practice, not the FSA situation, that was entirely separate. It was not about giving the FSA time, or about FSA retention, the point about an EAEVE-accredited school graduate was rather different; unless there was a follow-up survey demonstrating retention in the profession, many of them might be expected to return to the country they graduated from in the broadest of terms. Retention in the UK was not the same question as retention within UK practice; the College should be very careful about the questions being asked – the paper was clear, but the issue had now got very blurred;
  - o the mention of the FSA scheme was because one of the criteria for vets to come into the UK on it was that they were from an EAEVE-accredited school, as well as other criteria such as their standard of English language, visas, etc. If the decision was to refuse the extension to EAEVE then Council should be mindful that there would be a knock-on effect to the FSA decision taken in June 2023 – that decision would need revisiting because the scheme would subsequently be invalidated as it stood (which would be the will of Council, but it was just to highlight the potential consequences of the decision);

- could there be a compromise as, over time, the RCVS might diverge more from EAEVE? A line needed to be drawn somewhere, although currently many of the institutions would have students that had applied to that course *because* they were currently recognised by the UK. You could perhaps give them a deadline that, for example, in five, or six, years' time, the RCVS would no longer be accepting EAEVE-accredited graduates, which would also give the FSA time to 'wean themselves off' EAEVE-accredited graduates;
  - o they were intertwined to the extent that the scheme for the temporary registrants stipulated EAEVE accreditation and that was uppermost for the requirement to come into the UK, but it was not the only thing; the other part was that those people would have a specific amount of time to improve their English language skills. The FSA had recently been reminded of Council's views on the whole of that and how they should find an exit strategy; it was felt that the FSA had been trying but the College should also try to avoid a cliff-edge as the workforce shortage had not gone away. In terms of direct accreditation, what was unclear was whether there was an appetite for it, was there just a financial barrier that was stopping schools elsewhere getting direct accreditation? Or was it that in a post-EU-exit world, countries that used to send the UK graduates on a regular basis no longer had the surplus? Were there expressions of interest from, say, 10 schools, and would that solve the problem? Was it a money problem, or did people just not want to do it? There should be caution with a hard line to try and provoke a response when it was unknown what the end result would be;
- with the temporary decision in place, the graduates coming on to the Temporary Register via the FSA scheme meant they just had to improve their English language skills in order to move to the full Register; if the decision was no longer in place, they would have to sit the SME as well as improve their language skills;
- reflecting on the earlier comment, if there was an appetite for Council to change the wording of the decision, was that possible?
  - o in accordance with the Meeting Procedure Rules, minor amendments could be made via a Motion (and seconded) to omit words; omit words and insert or add others in substitution; to insert or add words; or, in the case of a meeting of Council, that the subject matter of the motion be referred to a committee, but not that the entire meaning be changed. The suggestion of five years would limit it to a cohort of students, and they would have the knowledge when applying to join a course of what the future would be;
- five years was good for the sake of the students it affected, and it allowed time for the College to inform everyone of what was going to happen and also potentially get some direct accreditation in place. It would be a sensible amount of time and [I] would be happy to second that with the wording to be agreed;
- there was concern for the students that had gone to an EAEVE school expecting to be able to register with the College because some of the students would be from the UK that could not get into a UK school. The situation could not continue indefinitely;

- whilst that was a logical suggestion, the College could just be asked for an extension again as it had been when it had been giving year extension increments – the College’s hands were tied, each time the Council had to approve this because there was no other choice; giving a five-year extension only provided the opportunity to ignore it for five years before asking for another extension;
- another concern was the impact on the SME, which was already struggling under the weight of candidates. There did need to be a hard stop and five or six years would give the College the opportunity to work with the people it needed to in order to obtain those changes because they were not going to do it on their own;
- there was logic in the discussion and the point about the importance of allowing students to have a set of expectations not being removed half way through a course made complete sense, but it was in human nature to put the decision off for five years and such an extension was unsatisfactory, the College had to take a stronger line on it in order to effect change; it had tried being nice and all that had happened was a shift and compromise to its standards. There was no fairness to the UK schools and no sense of purpose or parity; there should be a different proposal that would address the longer-term problem that a five-year extension would not do;
  - o the College needed to be careful about blaming Defra for the situation, EU-exit was not Defra’s fault; the College had provided a proposal for direct accreditation, which they might fund, but that they had not responded to. If the College felt very strongly that it needed to go down the direct accreditation route, it could spend its own money on it; one of the consequences from EU-exit was that there were trade deals being negotiated with other non-EU countries, so within a five-year period there might be other solutions open to the College from other countries as well. It might be that the College just needed to buy itself a little time to put matters into place, but it would be an issue of whether to use its core funding to subsidise that or not;
- EU-exit was a democratic decision that Defra, and other government departments had to respond to. In terms of the College’s regulatory role, the proposal for a five-year extension was very concerning and what would happen should, in two- or three-years’ time, EAEVE drastically change its standards for instance, or the EU imposed something on EAEVE that the College would not be happy with; the annual renewal allowed the College to anticipate and respond to it, but was the College living up to its responsibilities with a five-year extension?
- wording of the motion should be carefully considered as discussion had shown that Council wanted to see a lot of immediate activity, the problem was with prioritisation – there needed to be a solution laid down within the year, even if it was not implemented for a period after that. The weight of business with Defra meant that it got pushed back; this was central in the importance in terms of RCVS governance of standards;

- an alternative to the proposal of a five-year extension and a hard stop, could the RCVS fund accreditation visits for a specified period of time, after which time the onus was on the schools?
  - o if Council would like staff to return with a cost proposal for direct accreditation for the College to pay, that could be done;
- whilst not being opposed to the five-year concept, there had been no time to look at alternatives. By jumping from an annual, temporary, agreement, to a five-year hard stop, had there been time to properly consider it? The other point would be the potential funding for direct accreditation – there were stakeholders to consider, and the employers of OVs were ready and willing to through a lot of money at the right solution, which needed to be thought about rather than simply to take money from the RCVS, which might be the best option, but it was not the only one;
- would five years be a hard and fast rule, or would there be allowances for students that had a period of illness and had to pause studies for a year as that had been how other policies had been considered? When implementing them on behalf of students entering and exiting a program there was usually a grace period, so it was concerning that five years might not be five years;
  - o an amended motion would take that into account if it allowed Council to review it annually;
- there was conflict between being an employer in private practice where workforce was an issue and the divergence of standards. This temporary matter was put in place in 2019, which was coming up to five years; anyone registered with one of those universities within the last five years had registered under a temporary provision, knowing that it could come to an end;
  - o that was a good point, but it was unclear whether the message would have been fed through from the schools to their prospective students;
- in understanding the spirit behind the discussion, Council today should not impose a decision on Council in five years' time, it could overturn this decision with a new vote;
- it would be hard to vote 'no' to the original decision without knowing the impact such a vote would have, and there were no details except to say 'proposals would come'.

59. The process for submitting a motion was clarified. The decision as laid out in the paper was:  
*“Council is asked whether the temporary decision to recognise veterinary graduates from EAEVE-accredited schools should remain for another year, until the next annual review.”*

60. A motion was tabled to amend the decision as follows:

*Proposer: Mr W A S Wilkinson*  
*Seconder: Dr M A Donald*

*“Council is asked whether the temporary decision to recognise veterinary graduates from EAEVE-accredited schools should be allowed to continue for a maximum of five years with no further extension beyond this time. This extension will continue to be reviewed annually by Council until then and may be terminated sooner.”*

61. A vote was taken:

For:	10
Against:	8
Abstain:	3
Did not vote:	1

62. The motion was carried by a majority vote and a paper would be brought back to Council with details for direct accreditation.

63. As the motion was carried, this meant the original decision as laid out in the paper was no longer valid and did not require a vote.

64. A paper would come back to Council at a later meeting with different accreditation options.

#### **Proposal for monitoring ‘vital signs’ of the organisation**

65. The CEO introduced the paper, highlighting that individual committees considered KPIs relative to the area of work delegated to them by Council. There was already a lot of both internal and external scrutiny, and the paper was to provide Council with confidence in the College as a regulator by questioning whether it had the money it needed; the staff it needed; the ability to discharge its legal duties and key functions; impacts and performance, etc. It would bring it all together and provide Council with oversight; it was not about the health of the profession, but rather the College as an organisation and how it was delivering. It was important not to set KPIs that had unintended consequences; all other metrics would be overseen by Senior Team.

66. Comments and questions included, but were not limited to:

- happy with the direction of travel. Reporting should be public, not private and [I] would like to see aspects of this work developed over time by demonstrating public value or a balanced scorecard that could be provided about overall organisational health and effectiveness. Build in some measures of success criteria when developing the next strategic plan;
  - o the intention was to make the report public, with minor exceptions such as cybersecurity issues;
- also build it into the Risk Register with a number of mitigations – make sure there was no duplication in its management or resourcing and that the same person controlled the Risk Register and the responsibility for the KPI so that there were no gaps between them;
  - o much of the detail had been derived from the Risk Register in the first instance;

- Council's was a governance role, and should not become operational; discussions around KPIs had become more involved over the years, and the committees might be the correct place for some of this to remain; there was the option of looking at serious incident reporting and items that were more aligned with the charity sector to ensure Council was kept well informed;
- why was the impact of accreditation of veterinary school degrees mentioned, but VN qualification accreditation was not?
  - o there was currently no equivalent measure of the impact on new graduates of VN accreditation as there was for veterinary graduates via the Vet Graduate Development Program (VetGDP); items had been listed the College had a direct impact on performance, for example, numbers of practices in the Practice Standards Scheme (PSS). The list was a quite data focussed, and it could be reviewed on an ongoing basis;
- this was welcomed. There were a number of external performance indicators with which the College was required to comply; would it be valuable to find a benchmark to see how it stacked up against other regulators?
  - o the College was looking at the standards of other healthcare regulators and the Professional Standards Authority (PSA) – the issue was that the College regulated people, not places, so it was not easy to 'map' to a wide range of other bodies. If lay members knew of other Boards they sat on that were looking at impact assessment of regulation, please let the CEO know;
- the main KPIs that the profession was aware of were for the disciplinary decisions, not of the other matters the College dealt with, and it was those headline figures that received the most interest;
  - o it was important to note why members of the profession were interested in those figures, but that was only a small part of the College's role.

67. The next steps would be for the Senior Team members to start gathering data and to bring the information back to Council, there would be a bit of flux during this year as the new strategic plan was being developed alongside it.

68. Council was asked if the list itemised at paragraph 6 to the paper included all of the 'vital signs' that Council would like to see? A vote was taken:

For:	19
Against:	1
Abstain:	0
Did not vote:	2

69. The list was approved by a majority vote.

70. Council was asked if the policy outlined at paragraph 7 to the paper satisfied the need? A vote was taken:

For:	20
Against:	0
Abstain:	0
Did not vote:	2

71. The policy was approved by a majority vote.

### Reports of standing committees – to note

72. As agreed in September 2023, reports of committees were not in the bundle of papers for the Council and were instead loaded to the meeting paper system Board Effect to be read at Council's leisure. However, if Council had any items that they felt required attention at the meeting they could raise it. Unclassified minutes remained part of the respective committee papers uploaded to the website in the usual way and publicly available.

73. As time was limited, the President asked with Council's permission, not to take comments from the Chairs of committees, with the exception of Audit and Risk Committee (ARC).

### Advancement of the Professions Committee (APC)

74. There were no comments or questions raised.

### Audit and Risk Committee (ARC)

75. The Vice-Chair gave Council an update of the main items of the most recent work of ARC:

- the Audit Planning Report from the auditors had been reviewed in preparation for the forthcoming annual audit, they had focussed on risk management, including risks about fraud; the good news was that there was nothing unusual identified and the executive was working hard to strengthen controls;
- the Corporate Risk Register had been reviewed and it was agreed that the College's approach to risk was very dynamic; there was always a debate about whether new risk had been incorporated or whether details should be expanded, to determine the best way of management;
- the Customer Relationship Management (CRM) system Risk Register had been reviewed and noted that the committee had liked that it was staged to match the work being undertaken; the discovery phase allowed the organisation to mitigate any emerging risk in a slightly different way, but the Committee was reassured by the approach adopted;
- work was ongoing on a Governance Manual to improve transparency and understanding of how decisions were made in the organisation ; this was important to demonstrate to the public

and enhance public confidence in the fact the College managed decisions in a way that was transparent, open, and accessible.

76. There were no comments or questions, and the update was noted.

#### **Education Committee (EC)**

77. There were no comments or questions raised.

#### **Finance and Resources Committee (FRC)**

78. There were no comments or questions raised.

#### **Registration Committee (RC)**

79. There were no comments or questions raised.

#### **Standards Committee (SC)**

80. There were no comments or questions raised.

#### **Veterinary Nurses Council (VNC)**

81. There were no comments or questions raised.

#### **Preliminary Investigation Committee / Disciplinary Committee Liaison Committee (PIC DC LC)**

82. There were no comments or questions raised.

### **Reports of statutory committees – to note**

#### **Preliminary Investigation Committee (PIC)**

83. The Registrar introduced the reports of the statutory committees and updated Council on the work done since the investigation system had changed:

- at the last meeting of the PIC / DC Liaison Committee, focus had been on the reporting of concern cases at Stage 1 of the new PIC process – it had been just over one year since the system had changed, and one of the reasons was to assist the management of expectations by all parties when a concern was raised and reduce stress on people going through the process. Other changes included an additional member was included in discussions; unlike the previous Case Examiner Group (CEG) process, Stage 1 PIC could now close cases if there was no realistic prospect of an arguable case of Serious Professional Misconduct (SPMC); and an additional step had been added where the respondent had the ‘last say’;
- all stages of the process had been considered. The Committee considered the results that had been monitored on an ongoing basis and it had decided to continue to report the median times taken to conclude cases, and also wanted to introduce the aim of dealing with them within six months;
- there had been the desired outcome of less cases being sent to Stage 2 PIC, with a reduction from 106 cases in 2022 to 59 cases in 2023, which was heartening;



- Liaison Committee would consider Stage 2 PIC and Stage 3 at future meetings, but the KPI would currently remain as it was.

84. Comments and questions included, but were not limited to:

- the team was congratulated for its December 2023 performance, however, Liaison Committee had not 'held feet to the fire' and the Key Performance Indicator (KPI) of 90% had moved from four months to six months; it would have been preferable to have a strong move in the opposite direction – rather than having more time, there should be tougher targets;
  - o the team wanted to meet targets, but it had to be realistic; it was a new system, and it could not be done within the same timeframes as there were additional steps to be taken for the information supplied;
- in understanding what went into KPIs, the College was taking cases further now that it had been with the old system; subsequently more time was taken; the scrutiny PIC put itself under and the questions it asked was impressive and there was no evidence to be concerned in terms of the efforts made to ensure that matters were investigated appropriately from the perspective of the public whilst also being mindful of the impact on professionals;
- there should be caution with a six-month deadline because of the immense stresses to members, the KPI should be reduced;
- the PIC report listed the types of concern received. There were no health concerns listed – was that correct given the current work climate?
  - o the principle point of the concern was categorised as there was a limit to what could be recorded, although it might be possible to make that a more granular list. However, there were no members currently being assessed under the Health Protocol since the changes had been made to the process. There had been a change in the way people approached health concerns, historically there were items such as alcohol, or drug, abuse that lent itself to a particular programme; more recently health issues were being dealt with under various other initiatives, or people were managing it themselves in terms of Vetlife for support and other aspects.

85. The update was noted.

#### **RVN Preliminary Investigation Committee (RVN PIC)**

86. There were no comments or questions, and the report was noted.

#### **Disciplinary Committee and RVN Disciplinary Committee (DC)**

87. There were no comments or questions, and the report was noted.

## Notices of motion

88. There were no notices of motions to report.

## Questions

89. There were no questions to report.

## Any other College business (unclassified)

90. There was no other College business to report.

## Risk Register, equality and diversity (unclassified)

91. The following risks were raised:

- ensure evidence-based medicine was a priority on Council;
  - o it was noted that there were no specific risks identified as being evidence-based was part of everything the College did. There were checks and balances in terms of allied professions, and for the rest of general College Council, it was suggested that this should be encapsulated within risks already part of the Corporate Risk Register;
- accreditation of EAEVE veterinary schools;
  - o this was already on the Education Department Risk Register.

## Date of next meeting

92. The next scheduled Council meeting was Thursday, 14 March 2024, commencing at 10:00 am. It would be held in person at the Royal College of Nursing, 20 Cavendish Square, London.

## Matters for decision by Council and for report (confidential items)

### Annual retention fee payment arrangements for veterinary surgeons 2024 – 2025 – update (confidential)

93. This information is available in the classified appendix at paragraphs 1 – 4.

Any other College business (confidential items)

Comments on classified appendices (confidential)

94. This information is available in the classified appendix at paragraph 5.

Other matters (confidential)

95. This information is available in the classified appendix at paragraphs 6 – 23.

Risk Register, equality and diversity (confidential items)

96. This information is available in the classified appendix at paragraph 24.

97. There were no new items to add to the Corporate Risk Register.

Reflective session (confidential item)

98. This information is available in the classified appendix at paragraphs 25 – 27.

99. The meeting was drawn to a close.

## Annex A

## Council

Virtual meeting held by Zoom on Thursday, 18 January 2024

## Reform of the Veterinary Surgeons Act 1966 – Governance

Table 1 - Potential governance composition models						
Option	Model name	Professional members			Lay members	Total
		Veterinary surgeons	Allied professionals	VSC appointees	Lay members	
	<i>Status quo</i>	13 (majority of 1)	2 VN APs	3	6	24
Option 1	Veterinary surgeon majority	16 - 13	2 - 5		6	24
Option 2	Veterinary professional majority with VSC	13 - 8	2 - 7	3	6	24
Option 3	Veterinary professional majority without VSC and increased lay	13 - 8	2 - 7		9	24
Option 4	Veterinary professional majority without VSC and near-parity lay	11 - 7	2 - 6		11	24
Option 5	Lay parity with VSC	7 - 5	2 - 4	3	12	24
Option 6	Lay parity without VSC	10 - 7	2 - 5		12	24



<b>Summary</b>	
Meeting	RCVS Council
Date	14 March 2024
Title	RCVS Council & Veterinary Nurses Council governance reform consultation
Summary	This paper outlines the proposed consultation on RCVS governance reform, and annexes the draft consultation document.
Decisions required	To agree the content of the draft consultation document
Attachments	Annex A – Draft consultation document
Author	Ben Myring Policy & Public Affairs Manager <a href="mailto:b.myring@rcvs.org.uk">b.myring@rcvs.org.uk</a>

<b>Classifications</b>		
<b>Document</b>	<b>Classification<sup>1</sup></b>	<b>Rationales<sup>2</sup></b>
Paper	Unclassified	n/a
Annex A	Unclassified	n/a

## **RCVS and Veterinary Nurses Council governance reform - consultation**

- 1) In January 2024, RCVS Council agreed on a number of principles of governance reform, and two specific models of RCVS Council governance, and agreed that these should go out to consultation before returning to Council for a final decision. RCVS Council governance reform will require changes to or a replacement of the Veterinary Surgeons Act 1966. Any detailed recommendations on governance reform will form part of the College's package of legislative reform recommendations for government. Ultimately, the details of future governance reform will be in the hands of government and parliament, and may differ from the College's preferred option.
- 2) In February 2024, Veterinary Nurses Council (VNC) also agreed on a model of governance reform, and agreed that it should go out to consultation with the RCVS Council recommendations. VNC governance composition is a matter for RCVS Council, rather than requiring new legislation, and therefore any final recommendations could be implemented without the need for a new Act.
- 3) Annex A consists of a draft consultation document that sets out the background to the governance reform decisions, outlines the core principles-based decisions that have been made so far, details the potential models of governance reform, and gives members of the professions and the public – both individuals and organisations – the opportunity to comment on the proposals.
- 4) The format of the consultation is proposed to be similar to the main consultation of the College's legislative reform recommendations, carried out in 2020-2021. As with that consultation it is not intended to be quantitative, but rather give the opportunity for qualitative responses, particularly evidence or perspectives that may not have been considered during deliberations to date, with a view to informing the final recommendations.
- 5) The consultation is planned to be carried out in Q2 2024. Consultation responses are expected to be analysed by the new RCVS Research Manager, a post which is currently being recruited. It is hoped that the consultation report can be brought to RCVS Council at its June meeting.

### **Decisions**

- 6) Council members are asked whether they are content with the consultation document.

## Consultation on the reform of RCVS Council and Veterinary Nurses Council governance composition

### Introduction

1. In June 2021, RCVS Council agreed a package of recommendations for new legislation to replace the Veterinary Surgeons Act 1966 (VSA), based on the work of the Legislation Working Party (LWP) and following extensive consultation. The VSA is the key piece of legislation that underpins the core regulatory function of the RCVS, protects the title 'veterinary surgeon', and restricts acts of veterinary surgery to veterinary surgeons (except where exemptions are made, such as those for veterinary nurses). The reform recommendations seek to allow the RCVS to be a modern, flexible, forward-looking regulator of the entire vet-led team, and include measures to:
  - Regulate veterinary practices
  - Regulate additional members of the vet-led team such as musculoskeletal therapists, cattle foot trimmers, and equine dental technicians
  - Create a forward-looking Fitness to Practice System
2. The VSA sits alongside the College's Royal Charter. The Royal Charter incorporates the RCVS as an organisation, and empowers it to *advance* standards as well as setting and upholding them, in the interests of the health and welfare of animals and in the wider public interest. It also underpins the RCVS Fellowship and the College's award-granting powers. This combination of Act and Royal Charter is what makes the RCVS a *Royal College that regulates*, allowing the College to take a more holistic approach to regulation than would otherwise be possible.
3. A regulator is a body committed to setting and upholding professional standards in the public interest. Regulators do this by holding a register, maintaining a disciplinary process, setting and enforcing educational standards, and enforcing regulations such as those pertaining to continuing professional development (CPD).
4. Unlike the RCVS, other Royal Colleges are not regulators. They are empowered to fulfil a variety of functions, such as conservatoires (Royal College of Music), trade unions (Royal College of Nurses), or professional bodies more narrowly focused on promoting educational and clinical standards (such as the Royal College of Surgeons).
5. When considering future reform, one outstanding question relates to the governance of the RCVS, specifically whether there should be any changes to the composition of RCVS Council. At present the composition of RCVS governance is strongly at variance with regulatory best practice, and this will be highlighted as and when new legislation is considered by government. Ultimately



the details of future governance reform will be in the hands of the government and Parliament, and may differ from the College's preferred option.

### RCVS governance compared to other regulators

6. The current composition of RCVS Council is markedly different from that of other regulators of professions, including those in the healthcare sector. In examining best practice, RCVS Council considered the 2014 Law Commission report 'Regulation of Health and Social Care Professionals'<sup>1</sup>, the recommendations of which were subsequently adopted by the UK Government. The core purpose of a regulator is to carry out its regulatory functions in the public interest. The public need to be assured that a regulator is acting in the interests of the public and not the profession, where those interests may differ. One way in which such assurance can be provided is through the composition of a regulator's governing body.

### Fully appointed governing bodies

7. It is the norm for all members of a healthcare regulator's governing body to be appointed in line with Professional Standards Authority (PSA) guidance<sup>2</sup>, via a process overseen by the PSA. These appointments may seek to achieve coverage from all four nations of the UK, along with appropriate expertise and sectoral experience (for instance, general practice, public health, new graduates, etc.) – criteria that are not guaranteed to be met by an electoral process. The PSA's key principles for independent appointment are merit, fairness, transparency and openness, and inspiring confidence. While the regulator sets the criteria for appointment, the selection is made by an independent panel, and approved by the Privy Council.
8. Selection via elections risks giving the impression – to both the professions and the public – that the RCVS is a representative body working in the interests of the profession (like the British Veterinary Association), rather than a regulatory body working in the interests of the public. Council members are currently elected to bring their expertise to decisions made in the public interest, not to represent a constituency, but seems that there is widespread misunderstanding about this at present. It is also evident that only a small percentage of the veterinary professions participate in elections, despite extensive communications campaigns that have sought to remedy this. It is also notable that the RCVS often receives more applications to its independent appointment processes, such as for the Veterinary Disciplinary Committee, than it does candidates for elections.

---

<sup>1</sup> [Law Commission, 'Regulation of Health and Social Care Professionals', 2014](#)

<sup>2</sup> [Professional Standards Authority, 'Good practice in making council appointments', 2022](#)

**Lay parity**

9. While other regulators retain 'self-regulation' in the sense of having an autonomous authority that makes regulations without government intervention, it is now the norm for these regulators to have parity of lay people and registrants on their governing bodies, in order to give the public assurance that the regulator acts in their interests rather than 'setting and marking its own homework'.
10. A reduction in the number of professionals on Council would allow the College's governing body to ensure that its focus was on questions of strategy and governance, rather than operational matters. This would be balanced by ensuring that, where needed, additional professionals were selected to populate the College's committees - where policy is developed - whether by co-option or appointment.

**A Royal College that regulates the vet-led team**

11. During its discussions, Council noted the existing recommendation to retain a Royal College that regulates, and highlighted that there is rarely a clear dividing line between regulatory and Royal College functions. For example, the holistic approach available to the RCVS has allowed it to develop projects that can have a positive impact on individuals' ability to practise safely, and thus contribute to an 'upstream' model that aims to prevent issues occurring rather than merely setting standards and allowing people to fail. One example of this is the Mind Matters Initiative, which has become a model adopted by other regulators at home and abroad, expanding the scope of what a compassionate regulator can do.
12. There is also a regulatory dimension to other areas that are often the purview of Royal Colleges in human healthcare, such as postgraduate education. It was therefore suggested that trying to separate the Royal College and regulatory functions of the RCVS in governance arrangements – for instance by having a separate board and council – would be impractical, prohibitively expensive, and counterproductive, as well as risking conflict between the two bodies, which might precipitate a future separation into two different bodies. Given the relatively small size of the veterinary professions, a separate Royal College on the model of the Royal College of Surgeons would likely have few functions and fewer resources.
13. It should be noted that RCVS Council continues to recommend an arrangement that is unique among regulators, and one that seeks to build on the best aspects of the current arrangements, recognising the particular contours of the veterinary sector and its professions, while reflecting modern best practice.

**Governing body size**

14. The governing bodies of regulators usually consist of 10-12 members, with the most recent model (for social workers) having only six (with no professional registrant members). RCVS Council

currently consists of 24 members (reduced from 48 following a decision made in 2016). RCVS Council is not proposing to recommend further reducing the overall size of Council at this time, in recognition of the importance of retaining a broad spectrum of veterinary expertise while increasing the number of allied professional and lay members. Along with the 'Royal College that regulates' model, this is another way in which the College's reform recommendations differ from standard practice.

### **Flexibility**

15. RCVS Council proposes that the details of future RCVS governance arrangements should be enshrined in secondary legislation, rather than set out in the Act itself. This is the norm for other regulators, as it allows for greater flexibility and future-proofing by allowing changes to be made through a less onerous legislative process than amending an Act of Parliament. However, future changes would still be safeguarded by the requirement for consultation and approval by the Secretary of State and/or Parliament.

### **Veterinary Nurses Council**

16. The RCVS Veterinary Nurses Council (VNC) also considered its own composition in light of best practice, and has made its own recommendations for the reform of VNC. VNC governance composition is ultimately a matter for RCVS Council, not legislation, and therefore any final recommendations could be implemented without the need for a new Act.

### **Consultation**

17. This consultation seeks the views of members of the veterinary professions, wider vet-led team, and the public on proposed reform of the composition of both RCVS Council and Veterinary Nurses Council. In particular we would like to gather views on the potential impact that implementing the recommendations could have, and any evidence and arguments that may not have been considered. The recommendations will then be reviewed in light of the consultation results before a final decision is made on formal recommendations for governance reform.
18. The reform recommendations are described below, divided into sections each outlining a different aspect of the reform proposals. At the end of each section you will have the opportunity to comment on that aspect of the proposed reforms.
19. Submissions to the consultation will be analysed to identify key themes, and reported back to RCVS Council before any final decisions is made on the governance composition of either Council.

## **Section 1: Recommendations for RCVS Council reform**

20. Further to the background and rationale set out in the introduction, details of each recommendation can be found below, along with the opportunity to submit any comments you may have on each recommendation.

**Recommendation 1.1: A fully appointed Council**

21. It is now the norm for all members of the governing body of a professional healthcare regulator to be appointed using an independent process in line with Professional Standards Authority (PSA) guidance, and overseen by the PSA.

22. Appointment systems usually seek to achieve coverage from all four nations of the UK, along with ensuring that members bring expertise from across the relevant sector (for instance general practice, public health, new graduates, etc.) – criteria that are not guaranteed to be met by an electoral process. These criteria are set by the regulator, but the choice of appointees would be made by an independent panel. The PSA's key principles for independent appointment are merit, fairness, transparency and openness, and inspiring confidence. While the regulator sets the criteria for appointment, the selection is made by an independent panel, and approved by the Privy Council. Appointments would be made for a fixed term, with term limits.

[Q1.1 – Comments box]

**Recommendation 1.2: Towards lay parity**

23. It is the duty of a regulator to act in the public interest, rather than in the interests of the regulated professions, where those interests differ. It is the norm for regulators to have a parity of lay and professional members on their governing bodies, rather than a professional majority, in order to give the public assurance that the regulator acts in their interests rather than 'setting and marking its own homework'.

24. RCVS Council proposes that its composition be reformed to introduce either lay parity, or to maintain only a small majority of veterinary professionals.

[Q1.2 – Comments box]

**Recommendation 1.3: Removal of the Veterinary Schools Council (VSC) appointees**

25. Veterinary Schools Council is the representative body for veterinary schools in the UK. RCVS Council currently includes three members directly appointed by VSC. This is contrary to best practice. Council proposes that these direct appointees are removed, and that instead measures are maintained that ensure appropriate educationalist expertise on the RCVS Education Committee, as well as on RCVS Council, via the proposed independent appointment process.

[Q1.3 – Comments box]

**Recommendation 1.4: Flexibility to increase the proportion of allied professionals on Council**

26. While not yet widespread, it is also increasingly common for governing bodies to include members drawn from paraprofessions that form part of the regulated 'team'. For instance, the General Dental Council's model, which influenced the Legislation Working Party's recommendations, includes dental nurses and dental technicians on its board.
27. At present there are two veterinary nurses on RCVS Council, appointed by the VN Council. As and when new allied professionals are added to the College's remit, in line with the LWP recommendations, the question will arise as to whether and how their knowledge and expertise should be included on RCVS Council. Three allied professions (musculoskeletal therapists, equine dental technicians, and cattle foot trimmers) were listed in the LWP report as requiring regulation by the RCVS, and other potential candidates such as veterinary technicians and clinical animal behaviourists have subsequently been identified.
28. RCVS Council proposes that flexibility be built into future governance composition so that the proportion of allied professional members can be increased over time, while ensuring that veterinary surgeons – as the lead profession – retain a majority amongst the professionals on Council.

[Q1.4 – Comments box]

**Recommendation 1.5: Separating the chair of RCVS Council from the Presidency**

29. RCVS Council is also considering separating the role of RCVS President from that of chair of RCVS Council. The RCVS President would retain their ceremonial functions, such as presiding at graduations, attending functions, and being the 'face' of the College, while a separate chair – who could be a registrant or lay member – could be appointed for a longer period and would be responsible for chairing sessions of Council and overseeing governance. This would potentially widen the pool of likely candidates for both roles, and offer some continuity in terms of governance over a longer period of time.

[Q1.5 – Comments box]

**Part 2: Veterinary Nurses Council (VNC) governance reform**

30. Veterinary Nurses Council's governance composition better reflects best practice in some respects, compared with RCVS Council. It has only 14 members (plus one observer from the RCVS Officer Team) – closer to the usual practice of having 10-12 members. In addition to the elected veterinary nurse members there are also two independently appointed veterinary members, including the current Chair.

**Recommendation 2.1: A fully appointed Council**

31. VNC proposes that the remaining elected nurse component of its membership be replaced by an independent appointment system based on Professional Standards Authority guidance. This would bring it in line with regulatory best practice. An appointment process could seek to achieve representation from all four nations of the UK, along with ensuring that members bring expertise from across the sector.

[Q2.1 – Comments box]

**Recommendation 2.2: Reducing the size of Council**

32. VNC proposes that its membership be reduced to 12 members, in line with best regulatory practice, from the current 14. This will retain a broad range of knowledge and experience while reducing costs, and encourage a focus on strategy and governance rather than operational matters.

[Q2.2 - Comments box]

**Recommendation 2.1: Lay parity**

33. At present there are only four lay members of VNC – less than one third of the total. VNC proposes introduce a parity of lay and professional members, in line with best regulatory practice. It is the norm for regulators to have a parity of lay and professional members on their governing bodies, rather than a professional majority, in order to give the public assurance that the regulator acts in their interests.

[Q2.3 - Comments box]

Summary	
Meeting	Council
Date	14 March 2024
Title	UK-Practising / Non-practising status
Summary	This paper summarises the current position around the definition of 'practising' and proposes an amended definition for Council's consideration.
Decisions required	<p>Council is asked to consider and approve:</p> <ol style="list-style-type: none"> <li>a. the amended wording to existing guidance for requirements for UK-practising as per Annex A;</li> <li>b. the additional guidance to be issued with reference to one-off and occasional guest lectures / CPD;</li> <li>c. the clarification in relation to student activities at paragraphs 29 – 30;</li> <li>d. that there should be a grace or transition period in implementation until 30 September 2024.</li> </ol>
Attachments	<p>Annex A – Amended wording of UK-practising guidance (with tracked changes).</p> <p>Annex B – Legal advice (<b>confidential</b>)</p>
Author	<p>Eleanor Ferguson Registrar / Director of Legal Services 020 7202 0718 / <a href="mailto:e.ferguson@rcvs.org.uk">e.ferguson@rcvs.org.uk</a></p>

<b>Classifications</b>		
<b>Document</b>	<b>Classification<sup>1</sup></b>	<b>Rationales<sup>2</sup></b>
Paper	Unclassified	n/a
Annex A	Unclassified	n/a
Annex B	<b>Confidential</b>	<b>1, 3, 4</b>

<b><sup>1</sup>Classifications explained</b>	
Unclassified	Papers will be published on the internet and recipients may share them and discuss them freely with anyone. This may include papers marked 'Draft'.
Confidential	Temporarily available only to Council Members, non-Council members of the relevant committee, sub-committee, working party or Board and not for dissemination outside that group unless and until the relevant committee or Council has given approval for public discussion, consultation or publication.
Private	The paper includes personal data which should not be disclosed at any time or for any reason, unless the data subject has agreed otherwise. The Chair may, however, indicate after discussion that there are general issues which can be disclosed, for example in reports to committees and Council.

<b><sup>2</sup>Classification rationales</b>	
Confidential	<ol style="list-style-type: none"> <li>1. To allow the Committee or Council to come to a view itself, before presenting to and/or consulting with others</li> <li>2. To maintain the confidence of another organisation</li> <li>3. To protect commercially sensitive information</li> <li>4. To maintain public confidence in and/or uphold the reputation of the veterinary professions and/or the RCVS</li> </ol>
Private	<ol style="list-style-type: none"> <li>5. To protect information which may contain personal data, special category data, and/or criminal offence data, as listed under the General Data Protection Regulation</li> </ol>



## Background

1. Subject to some limited exceptions e.g for owners / farmers and Registered Veterinary Nurses (RVNs), all acts of veterinary surgery are 'reserved' to veterinary surgeons who, in order to practise such acts in the UK, need to be qualified and registered with the RCVS. See Section 19 of the Veterinary Surgeons Act (VSA) 1966 which states:

### **Section 19**

*(1) Subject to the following provisions of this section, no individual shall practise, or hold himself out as practising or as being prepared to practise, veterinary surgery unless he is registered in the register of veterinary surgeons or the supplementary veterinary register, and an individual who acts in contravention of this subsection shall be liable—*

*(a) on summary conviction to a fine not exceeding £100;*

*(b) on conviction on indictment to a fine.*

2. Acts of veterinary surgery are defined under the VSA as follows:

*“the art and science of veterinary surgery and medicine and without prejudice to the foregoing generality shall be taken to include:*

- a. the diagnosis of disease in and injury to animals, including test performed on animals for diagnostic purposes;*
- b. the giving of advice based on such diagnosis;*
- c. the medical or surgical treatment of animals ; and*
- d. the performance of surgical operations on animals.“*

3. The VSA also contains details of “the Register” and states that it consists of five lists:

- a. one, to be called the General List, of persons entitled to be registered in the Register under Section 3 of this Act; [this is the holders of UK degrees];*
- b. one, to be called the Commonwealth List, of persons entitled to be so registered as holding some Commonwealth qualification;*
- c. one, to be called the Foreign List, of persons so registered as holding some foreign qualification;*
- d. one, to be called the Temporary List, of persons entitled to be so registered under Section 7 of this Act; and*

- e. *one, to be called the Visiting European List, of persons who, [immediately before Implementation Period (IP) completion day] were entitled to be so registered under Schedule 1B to this Act [post-EU-exit this category no longer applies].*
4. These lists stipulate the various routes by which an individual is entitled to be registered and to practise in the UK. Historically, for a considerable number of years, however, the RCVS has, within these categories, also allowed a non-practising category and overseas practising – both of which allow an individual to style themselves as an MRCVS but does not entitle them to practise in the UK; the only category allowing this is UK-practising.
5. The following is the information on the RCVS website in connection with the various categories:

#### *Practising outside the UK*

*'Practising outside the UK' is applicable to a veterinary surgeon who is registered and has become a member of the College and is practising but not in the United Kingdom.*

#### *UK-practising*

*'...practise or practising' means (whether or not for remuneration) undertaking acts of veterinary surgery or undertaking any activity which is veterinary related. Veterinary-related activity includes a member who is professionally active, even if not involved in clinical work e.g. members employed by government departments or agencies, in academia, at research councils, or in industry and commerce. In other words, "practising" is not limited to those in practice, but includes members using their professional qualification in any way.*

#### *Non-practising*

*'Non-practising' members should not engage in any act of veterinary surgery and should not sign any form of veterinary certification, including vaccination certificates or prescriptions. In effect, they should only undertake activities that may be undertaken by a layperson, for example, those under Schedule 3 of the Act.*

#### **The current position**

6. As can be seen from the above description of UK-practising, a wide definition is applied, which specifically includes any activity which is veterinary related, even if not clinical work and includes those using their professional qualifications in any way. This means that anyone in such non-clinical roles cannot by definition be on the Non-practising Register or the Overseas Register; they cannot be vets who have a veterinary qualification but have not passed the RCVS Statutory Membership Examination (SME) and they cannot be lay persons. A requirement of being on the practising Register is the annual requirement for Continuing Professional Development (CPD) in order to keep up to date in the appropriate field and to make provision for professional indemnity insurance Cover. Anyone who is on the Non-practising, or Overseas, Registers is still 'on the Register' and subject to the Code of Professional Conduct (CoPC). It follows, therefore, that they could be taken to Disciplinary Committee (DC) for practising without being on the UK-Practising List, and over the years this has occurred, albeit rarely.

## The issue

7. Recently, with reference to the new Veterinary School Accreditation Standards, there was some discussion around those teaching students, with a focus on CPD / how they were keeping up to date. Within that discussion, it became apparent that there was inconsistency in how the RCVS requirements were being interpreted, with some utilising only UK-practising vets; some utilising vets on the Non-practising Register; while some were utilising overseas qualified vets – some of which might be eligible to register immediately with the RCVS but had not done so – and some who would not be eligible without passing the SME. There was no dispute around interactions with live animals (where acts of veterinary surgery are carried out), and that anyone doing so – whether for teaching or other purposes – require to be on the UK-Practising Register. This led on to a debate around the extent to which others not on the UK-Practising Register could, and should, be involved in a range of teaching activities.
8. It was accepted that there was nothing to prevent non-UK vets / lay persons teaching elements within the curriculum e.g. theory of medicines. However, it became more opaque when the teaching strayed from purely theoretical / academic areas into their application in clinical practice and, in particular, around teaching of clinical skills in skills labs on mannequins or otherwise where there was not a clear divide between pure theory and application of skills for which veterinary knowledge (and use of veterinary qualifications) would be necessary.
9. The point of teaching clinical skills must be for students to learn common practical skills, with a trainer performing / demonstrating the skill and the students then performing and repeating the task under the supervision of the trainer and later by themselves. Under the currently applied definition, while interaction with a mannequin is not in itself an act of veterinary surgery, it would seem that such individuals are using their veterinary skills and knowledge and would require to be on the UK-Practising Register (or to be able to make use of the Schedule 3 Exemptions for an RVN).
10. That then leads to consideration of other posts – in academia, in industry, in government and elsewhere where there may be no hands-on clinical activities being undertaken but information, knowledge, skills is being used and conveyed that requires veterinary knowledge. Is that 'practising'?
11. In light of the situation above at paragraph 7 with some instances of teaching undertaken by individuals either on the Non-practising Register or with an overseas qualification that is not 'recognised' as registrable under the VSA (i.e. individuals not registered with the RCVS) a review was undertaken of the interpretation of the RCVS guidance around what was meant by 'practising'.
12. Whatever set of rules are applied, then logically they should apply across the board – so, if for example, it was considered acceptable for someone not on the UK-Practising Register to teach clinical skills in a lab or to impart veterinary knowledge to be applied in clinical practice, beyond purely clinical aspects as set out in the VSA above then, it would apply to anyone – so a veterinary surgeon struck off from the Register would be able to do the same / a lay person (albeit with a veterinary degree if that was stipulated as a requirement for the role) would be able to do

the same, even they were not thought to meet the criteria for being on the RCVS Register. It would also seem that those in other non-clinical roles would be classed as non-practising.

## Review

### The current guidance

13. The RCVS published guidance which states that only practitioners registered as “UK-practising” are permitted to practise veterinary surgery in the UK says as follows:

*“...practise or practising’ means (whether or not for remuneration) undertaking acts of veterinary surgery or undertaking any activity which is veterinary related. Veterinary-related activity includes a member who is professionally active, even if not involved in clinical work e.g. members employed by government departments or agencies, in academia, at research councils, or in industry and commerce. In other words, “practising” is not limited to those in practice, but includes members using their professional qualification in any way.”*

14. The final sentence of the above guidance is confusing; it begs the question what being “in practice” means if not “practising”. It would seem the intention is to refer to “clinical practice”.

### The Statutory Provisions

15. The RCVS is responsible for promoting, encouraging and advancing the study and practice of veterinary surgery and medicine (Royal Charter 2015, Article 3). As such, it has a role to play in shaping the boundaries of what constitutes “veterinary surgery”. However, the limitations imposed under its guidance must be consistent with the legislative framework.
16. Under Section 27 of the VSA, “veterinary surgery” is stated to include four activities all of which are clinical in nature. The definition is not limited to those four activities (see paragraph 2 above). The words “without prejudice to the generality of the foregoing” indicate that other activities may also form part of the “art and science of veterinary surgery and medicine”. However, the listed activities are illustrative of the sorts of things that Parliament intended the definition to encompass.
17. Patently some non-clinical activities could properly be said to fall within the definition of “veterinary surgery” without straining the meaning of the words (obvious examples include certification and inspection functions reserved to veterinary surgeons). However, Parliament cannot have intended the term to cover activities that can properly be undertaken by lay people (save to the extent that they are activities which fall within the statutory exemptions).
18. The term “veterinary related activity” (used in the current guidance) is very broad, and, on an ordinary reading, it could extend to a range of matters that Parliament did not intend to be covered by the prohibition under Section 19. The activities of a practice manager offer a clear example of work that is “veterinary related” in a general sense, yet obviously suitable to be undertaken by a lay person.
19. The guidance refers to employment in different sectors. Some non-clinical activities in those sectors might reasonably be considered the **sole preserve of veterinary surgeons**, but there will be other roles that can properly be undertaken by vets and lay people alike. For example: (i) in

academia, the same research into matters relating to veterinary medicine might reasonably be undertaken by pure scientists, statisticians and other academics, or by veterinary surgeons; and (ii) in government or industry, a role could be advertised, requiring some knowledge of animal health, that is open to vets and non-vets.

20. Registration, and Education, Committees have in recent joint meetings considered the guidance and agreed that a sensible approach would be to re-draft the guidance to make clear that it covers only activities that can properly be considered the **sole preserve of veterinary surgeons**. See **Annex A** for draft of amended guidance.

### Teaching

21. On this approach, the teaching of veterinary students would constitute “*practise [of] veterinary surgery*” if, but only if, the particular teaching role was one that could only properly be undertaken by a qualified veterinary surgeon.
22. A role teaching anatomy, for example, might fall outwith the definition of “veterinary surgery” as it is something that could be taught equally by a zoologist or other lay person. On the other extreme, a role teaching practical skills, involving direct contact with animals, would almost certainly fall within the definition.
23. As a rule of thumb, roles that are advertised as open only to people with veterinary qualification would be likely to involve “practise [of] veterinary surgery”. Roles that are open to a wider pool of people would not.
24. For those registered with the RCVS – i.e. non-practising / overseas practising (see paragraph 4 above) as noted above these are categories that do not exist under the VSA; those within either category are ‘registered’ with the RCVS. They would not, therefore, be committing a criminal offence in breach of Section 19 of the VSA if they were ‘practising’; they would however as currently set up be committing a disciplinary offence (as established under the RCVS general powers to set standards and regulate the profession under the Royal Charters).
25. In the course of discussions with the Committees, a number of other issues arose:

### Continuing Professional Development (CPD) / guest lecturers

26. Further discussion involved the provision of veterinary visiting overseas lecturers / CPD. Clearly, as now, anything ‘hands on’ involving live animals in the UK would require the individual giving the lecture / CPD to be registered as UK-Practising. However, for some other situations, depending on the subject matter, where those giving guest lectures / CPD could only be veterinary surgeons as a “veterinary medicine qualification” would be required to have the knowledge to give the lecture in the first place, it would be disproportionate to suggest that a one-off lecture or talk by, for example, a distinguished overseas veterinary surgeon (validly registered in their home country) or individual on the non-practising register would be considered as ‘practising’ and so trigger the requirement for registration with the RCVS (either as UK-Practising or on the Temporary Register). It is therefore proposed that it is made clear that ‘one-off or occasional lectures would not be considered as ‘practising’.

27. 'One-off' is fairly straightforward – it is what it says – one. However, inevitably, there will be questions asked as to what 'occasional' means? We would not wish to be prescriptive and specify a specific number, but it will require (under the ordinary meaning of the words) to be **infrequent and at irregular intervals**. So, for example, one lecture every month over a year is not occasional, whereas four or five irregularly over a year could be considered occasional.
28. It would not be open to the RCVS to insist as part of its 'rules' that individual guest speakers are registered in any overseas jurisdiction; this would, however, be expected to be a consideration when decisions are made about suitability of any guest lecturers. Similarly, for individuals within the UK, it would be expected that the individual is either on the UK Home Practising Register (or Temporary Register) or non-practising register or is eligible for registration as a veterinary surgeon with the RCVS.

Position of student involvement in 'teaching' / whether this amounted to practising

29. A number of different types of scenarios were identified:

- 5<sup>th</sup> year students are "assisting" more junior students in the like of dissection labs;
- 5<sup>th</sup> year students – in e.g. a stable yard – live animals – allocated their own group of 10 or so students whom they assist in a variety of tasks;
- Students in their intercalated year assisting as above;
- 5<sup>th</sup> year students assisting more junior students in a clinical skills lab.

30. The question of whether any of this was the sole preserve of a veterinary surgeon and therefore amounted to 'practising' arose. This was not resolved in Committee, but each scenario is analysed below for Council's consideration:

- 5<sup>th</sup> year students are "assisting" more junior students in the like of dissection labs where there are a number of members of staff present to answer questions and to remedy any inaccuracies; it is not primary teaching [i.e being taught for the first time and by someone trained for their role in teaching (qualification / Fellow, Higher Education Academy (FHEA) status, or suitable in-house training)]; the university has assessed the 5<sup>th</sup> year as competent to do whatever it is they are assisting with; they are demonstrating skills and there is no clinical judgment / contextualising; then this would appear to fall into the territory of 'demonstrating';
- 5<sup>th</sup> year students – in a stable yard – live animals – allocated their own group of 10 or so students to all intents and purposes unsupervised to assist with specific tasks. It is not primary teaching; the university has assessed them as competent; if they are purely demonstrating skills and there is no clinical judgment/ contextualising. Whether this is acceptable would depend on what they were 'teaching'. If it is anything a lay person can do e.g. husbandry, then this is acceptable. If it involves acts of veterinary surgery e.g. injections, the 5<sup>th</sup> year (and indeed the other students in their clinical years) could carry out acts of veterinary surgery (under the student exemption) – but for this they would in addition need to be supervised – i.e. 'qualified' staff would need to be available to hand to assist;

- Students in their intercalated year. They do not have the benefit of the student exemption to do acts of veterinary surgery – so are limited to whatever any lay person can do; in theory would be the same [as above] but unlikely to be assessed as competent;
- 5<sup>th</sup> year students assisting more junior students in a clinical skills lab – completely unsupervised by any qualified member of staff. As indicated above (see paragraph 9), it is accepted that, by itself, interaction with a mannequin / setting up equipment is not an act of veterinary surgery. The issue arises to what extent (if at all) it is possible to isolate demonstrating these technical skills from underlying clinical judgement / contextualising, not least due to the potential (some may say inevitability) of questions arising that make straying into clinical judgement / contextualising unavoidable. If Council is of the view that such isolation is possible then with no direct acts of veterinary surgery involved, this would be something that could be done by a lay person, so, provided this was not primary teaching and the 5<sup>th</sup> year had been assessed as competent, this would be acceptable.

If, however, such isolation is not possible and the exercise of clinical judgement / contextualising is intrinsic, that is the sole preserve of a veterinary surgeon – it is ‘practising’, and can only be done by those on the Practising Register.

This has relevance in the wider context of what non-MRCVS (i.e. those with a veterinary qualification abroad but which is not eligible for registration with the RCVS) may do in clinical skills labs or elsewhere. Such non-MRCVS fall into the category of lay persons. It follows therefore that if the activity being undertaken is one that can be performed by a lay person, there is no issue. If it is one for which the exercise of clinical judgement / contextualising is intrinsic, then, as above, that is the sole preserve of a veterinary surgeon – it is ‘practising’, and can only be done by those on the Practising Register.

### Timing of implementation

31. Annual renewal fees (which are linked to categories of membership) fall due on 1 April, though renewal notices are generally issued much earlier around February / early March every year. It is suggested that to launch changes in definition within such a timescale would give insufficient time for website changes and for the profession to become familiar with the amended definitions.
32. It is therefore proposed (subject of course to their being agreement to the decisions set out in paragraph 33 below), that all changes are notified to the profession as soon as possible in 2024, but that a grace or transition period is permitted until 30 September 2024. This would effectively allow a full six months for queries to be answered and for any changes in category to be made (noting that changes in category mid-year attract either a balance of the fee due to be payable when moving from non-practising or overseas-practising to UK-practising, or a refund if moving in the opposite direction) and that there is no ‘penalty’ as such for change of category.

### Decisions required

33. Council is asked to consider and approve:
  - a. the amended wording to existing guidance for requirements for UK-practising as per Annex A;

- b. the additional guidance to be issued with reference to one-off and occasional guest lectures / CPD;
- c. the clarification in relation to student activities at paragraphs 29 – 30 above;
- d. that there should be a grace or transition period in implementation until 30 September 2024.



## Annex A

## Amended wording of UK-practising guidance

*UK practising*

*'...practise or practising' means (whether or not for remuneration) undertaking acts of veterinary surgery or undertaking any activity which is the sole preserve of a veterinary surgeon. Activities that are the sole preserve of a veterinary surgeon may include non-clinical work that a member undertakes in their capacity as a veterinary surgeon e.g. it could include work done by members employed by government departments or agencies, in academia, at research councils, or in industry and commerce. In other words, "practising" is not limited to those in clinical practice, but includes members using their professional qualification where the role is open only to those with a veterinary medicine qualification.*

<b>Summary</b>	
Meeting	Council
Date	14 March 2024
Title	Preliminary Investigation Committee Report to Council
Summary	This report describes the work of the Preliminary Investigation Committee since RCVS Council's last meeting, including by reference to key stage indicators, and provides information about the nature of concerns being considered by the RCVS.
Decisions required	None
Attachments	None
Authors	<p>Chris Murdoch Senior Case Manager <a href="mailto:c.murdoch@rcvs.org.uk">c.murdoch@rcvs.org.uk</a></p> <p>Gemma Crossley Head of Professional Conduct <a href="mailto:g.crossley@rcvs.org.uk">g.crossley@rcvs.org.uk</a></p>

<b>Classifications</b>		
<b>Document</b>	<b>Classification<sup>1</sup></b>	<b>Rationales<sup>2</sup></b>
Paper	Unclassified	n/a

**<sup>1</sup>Classifications explained**

Unclassified	Papers will be published on the internet and recipients may share them and discuss them freely with anyone. This may include papers marked 'Draft'.
Confidential	Temporarily available only to Council Members, non-Council members of the relevant committee, sub-committee, working party or Board and not for dissemination outside that group unless and until the relevant committee or Council has given approval for public discussion, consultation or publication.
Private	The paper includes personal data which should not be disclosed at any time or for any reason, unless the data subject has agreed otherwise. The Chair may, however, indicate after discussion that there are general issues which can be disclosed, for example in reports to committees and Council.

**<sup>2</sup>Classification rationales**

Confidential	<ol style="list-style-type: none"> <li>1. To allow the Committee or Council to come to a view itself, before presenting to and/or consulting with others</li> <li>2. To maintain the confidence of another organisation</li> <li>3. To protect commercially sensitive information</li> <li>4. To maintain public confidence in and/or uphold the reputation of the veterinary professions and/or the RCVS</li> </ol>
Private	<ol style="list-style-type: none"> <li>5. To protect information which may contain personal data, special category data, and/or criminal offence data, as listed under the General Data Protection Regulation</li> </ol>

# Preliminary Investigation Committee

## Report to Council March 2024

### Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee since the last report (1 March 2024 being the date of writing the report).
2. Since the last Report to Council (which gave information to 5 January 2024), there have been three Stage two Preliminary Investigation Committee (S2PIC) meetings (17 January, 7 February, and 21 February).

### New cases considered by the S2PIC

3. The total number of new cases considered by the S2PIC at the three meetings referred to above is five. Of the five new cases considered:
  - None were concluded at first consideration by the Committee.
  - All five cases were referred for further investigation, that is, further enquiries, visits and/or preliminary expert reports.
4. No cases have been referred to the RCVS Health or Performance Protocols in the reporting period.

### Ongoing Investigations

5. The Stage two PI Committee is currently investigating 33 ongoing cases where the Committee has requested statements, visits or preliminary expert reports (for example).

### Health Protocol

6. There are no veterinary surgeons either under assessment or currently on the RCVS Health Protocol.

### Performance Protocol

7. There are no veterinary surgeons currently on the RCVS Performance Protocol.

### Professional Conduct Department - Enquiries and concerns

8. Before registering a concern with the RCVS, potential complainants must make an Enquiry (either in writing or by telephone), so that Case Managers can consider with the enquirer whether they should raise a formal concern or whether the matter would be more appropriately dealt with through the Veterinary Client Mediation Service.
9. In the period 6 January to 1 March 2024:
  - the number of matters registered as Enquiries was 557, and
  - the number of formal Concerns registered in the same period was 95.

10. The table below shows the categories of matters registered as Concerns between 6 January 2024 and 1 March 2024.

**Concerns registered between 6 January and 1 March 2024**

<b>Description of Category</b>	<b>Number of Cases</b>
- Advertising and publicity	0
- Appeal against DC decision	0
- Certification	2
- Client confidentiality	1
- Clinical and client records	1
- Clinical governance	0
- Communication and consent	0
- Communication between professional colleagues	0
- Conviction	1
- CPD compliance	2
- Delegation to veterinary nurses	0
- Equine pre-purchase examinations	1
- Euthanasia of animals	5
- Fair trading requirements	0
- Giving evidence for court	0
- Health case ( <i>potential</i> )	2
- Illegal practice	0
- Microchipping	0
- Miscellaneous	3
- Practice information, fees & animal insurance	0
- Performance case ( <i>potential</i> )	0
- Recognised veterinary practice	0
- Referrals and second opinions	0
- Registration investigation	0
- Restoration application	0
- Social media and networking forums	1
- Treatment of animals by unqualified persons	0
- Use of samples, images, post-mortems and disposal	0
- Veterinary care	72
- Veterinary medicines	0
- Veterinary teams and leaders	0
- Whistle-blowing	0
- 24-hour emergency first aid and pain relief	4
- Unassigned	0
<b>Total</b>	<b>95</b>

Data source – Profcon computer system concerns data.

### Referral to Disciplinary Committee

11. In the period 6 January to 1 March 2024, the Committee has referred 5 cases involving 3 veterinary surgeons to the Disciplinary Committee.

### Veterinary Investigators

12. The Chief Investigator and Veterinary Investigators have undertaken three visits in the reporting period. The first was an unannounced visit site visit in conjunction with the VMD to the premises of a veterinary clinic. The second was an unannounced visit to a veterinary surgeon to serve disciplinary papers. The third was a follow-up announced visit to a veterinary surgeon to view a selection of his clinical records, inspect his CPD records and his controlled drugs record keeping and storage.

### Concerns procedure

13. As Council is aware, the process for the consideration of concerns at Stage one changed at the beginning of October 2022. The median number of weeks in which cases concluded at Stage one can be seen below.

Month in which case concluded	Median number of weeks taken
February 2023	13
March 2023	13.3
April 2023	14.9
May 2023	14.3
June 2023	14.4
July 2023	15
August 2023	15.9
September 2023	13.4
October 2023	12.6
November 2023	18.3
December 2023	11.5
January 2024	16
February 2024	15

14. PIC/DC Liaison Committee considered detailed information on the time taken by cases at Stage one at its meeting in November and discussed a new KPI timeframe in light of the data provided and the steps involved in the process. The Liaison Committee concluded that six months was an appropriate timeframe. It also concluded that it would still be helpful to provide median times taken, as this is a good indicator of the most likely duration of matters for those involved in the process. We will report on the number of cases that meet the new KPI in future reports.
15. The Stage 2 KPI is now for the PIC to reach a decision on simple cases before it within seven months, and on complex cases within 12 months. A case is deemed to be complex where the PIC requests that witness statements and/or expert evidence be obtained.

16. In the period 6 January to 1 March 2024, the PIC reached a decision (to close, refer to the Charter Case Committee, or refer to DC) within the relevant KPI in no simple cases as none were decided during this period.
17. 5 complex cases were decided, of which none met the 12-month KPI. In accordance with normal practice, these cases (and the work of the department in general) are reported and discussed in detail at the PIC/DC Liaison Committee meeting.

#### **Illegal practice**

18. Since the last Report to Council (which gave information to 5<sup>th</sup> January 2024), 7 new reports of suspected illegal practice have been received. Of these, 5 have been closed after issuing advice or cease and desist letters (one case of inappropriate use of RCVS logo on practice website) or referring matters to other relevant agencies; and 2 are subject to ongoing enquiries. (There is a total of 8 ongoing enquiries).

#### **Operational matters**

19. A training day for PIC members and Profcon staff has been arranged for 25 March 2024.

<b>Summary</b>	
Meeting	Council
Date	14 March 2024
Title	RVN Preliminary Investigation Committee Report to Council
Summary	This report sets out the work of the Registered Veterinary Nurse (RVN) Preliminary Investigation Committee (PIC)
Decisions required	None
Attachments	None
Authors	<p>Sandra Neary Secretary to the RVN Preliminary Investigation Committee <a href="mailto:s.neary@rcvs.org.uk">s.neary@rcvs.org.uk</a> / 020 7202 0730</p> <p>Gemma Crossley Head of Professional Conduct <a href="mailto:g.crossley@rcvs.org.uk">g.crossley@rcvs.org.uk</a> / 020 7202 0740</p>

<b>Classifications</b>		
<b>Document</b>	<b>Classification<sup>1</sup></b>	<b>Rationales<sup>2</sup></b>
Paper	Unclassified	n/a



**<sup>1</sup>Classifications explained**

Unclassified	Papers will be published on the internet and recipients may share them and discuss them freely with anyone. This may include papers marked 'Draft'.
Confidential	Temporarily available only to Council Members, non-Council members of the relevant committee, sub-committee, working party or Board and not for dissemination outside that group unless and until the relevant committee or Council has given approval for public discussion, consultation or publication.
Private	The paper includes personal data which should not be disclosed at any time or for any reason, unless the data subject has agreed otherwise. The Chair may, however, indicate after discussion that there are general issues which can be disclosed, for example in reports to committees and Council.

**<sup>2</sup>Classification rationales**

Confidential	<ol style="list-style-type: none"> <li>1. To allow the Committee or Council to come to a view itself, before presenting to and/or consulting with others</li> <li>2. To maintain the confidence of another organisation</li> <li>3. To protect commercially sensitive information</li> <li>4. To maintain public confidence in and/or uphold the reputation of the veterinary professions and/or the RCVS</li> </ol>
Private	<ol style="list-style-type: none"> <li>5. To protect information which may contain personal data, special category data, and/or criminal offence data, as listed under the General Data Protection Regulation</li> </ol>

# Registered Veterinary Nurses Preliminary Investigation Committee

## Report to Council

### Introduction

1. Since the last Report to Council, there has been one meeting of the RVN Preliminary Investigation Committee, which took place on 23 January 2024. The next meeting is scheduled to take place on 5 March 2024.

### RVN Concerns received / registered

2. In the period 6 January to 1 March, there were eight new Concerns relating to RVNs. Of these eight new Concerns:
  - Six cases are currently under investigation by a Case Manager, Veterinary Nurse, Veterinary surgeon, and a lay member (Stage 1 Preliminary Investigation Committee)
  - Two cases have been referred to Stage 2 PIC.

### RVN Preliminary Investigation Committee

3. Three new cases have been considered by the RVN PIC between 6 January and 1 March. One case was closed, and two linked cases were adjourned for further investigation and referral to external solicitors for formal statements to be taken.

### Ongoing Investigations

4. Five concerns are currently under investigation and will be returned to the RVN PIC for a decision in due course.

### Health Concerns

5. There are currently no RVNs being managed in the context of the RCVS Health Protocol.

### Performance Concerns

6. There are currently no RVNs being managed in the context of the RCVS Performance Protocol.

### Referral to Disciplinary Committee

7. Since the last report, no cases have been referred to the RVN Disciplinary Committee.

### Disciplinary Hearings

8. No Disciplinary hearings have taken place since the last report.

### Operational matters

9. A training day for PIC members and Profcon staff has been arranged for 25 March 2024.