

MAKING A COMPLAINT AGAINST A VETERINARY SURGEON

A SUMMARY

WHAT THE COLLEGE CAN DO.

1. Investigate complaints within the College's jurisdiction.
2. Give formal advice to a veterinary surgeon.
3. Hold a public hearing against a veterinary surgeon whose alleged actions or behaviour may amount to serious professional misconduct.
4. Hold a public hearing against a veterinary surgeon who has been convicted of a criminal offence that may render him/her unfit to practise.
5. Suspend or remove a veterinary surgeon from practice.

WHAT THE COLLEGE CANNOT DO

1. Fine a veterinary surgeon for any misdemeanor.
2. Arrange for any form of compensation or recompense.
3. Adjudicate on negligence as an alternative to the courts.
4. Adjudicate on fees charged, except when the fees are so extreme that they might constitute misconduct.

POINTS TO REMEMBER

1. Diagnosis is not an exact science. Misdiagnosis or missed-diagnosis is not necessarily professional misconduct.
2. In veterinary medicine (just as in human medicine) the outcome of treatment or medication may not be what the owner or veterinary surgeon would wish.
3. Try to resolve problems directly with your veterinary surgeon in the first instance.

These points are ONLY a summary. PLEASE read the accompanying text with these notes for full details.

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GUIDANCE NOTES

We hope that it will rarely be necessary for you to make a complaint against a veterinary surgeon but, if you have cause to do so, then this leaflet explains the process to be followed.

STEP 1

1. Dissatisfaction between client and veterinary surgeon can arise because of misunderstandings or a breakdown in communication and can often be resolved by direct discussion with the veterinary surgeon concerned.
2. If you have not already done so, please: -
 - i. ask for an appointment at a mutually convenient time, to talk to the veterinary surgeon and discuss your complaint with him or her, or
 - ii. write to your veterinary surgeon setting out the problem.
3. If the veterinary surgeon is an assistant you should also approach the practice principal or senior partner of the practice.

STEP 2 - A FORMAL COMPLAINT

4. If your own efforts to resolve a grievance with your veterinary surgeon have failed, or if you believe that the complaint is too serious to be dealt with in that way, then the College may be able to investigate the matter on your behalf.
5. You need to complete the attached form, setting out the details of your complaint. The College will take the next step but it is important that you understand what the College can do.

THE SCOPE OF THE COLLEGE'S POWERS

6. The College's authority in relation to complaints against veterinary surgeons is set out in the Veterinary Surgeons Act 1966 and is limited to cases in which it is alleged that the veterinary surgeon is guilty of serious professional misconduct or has been convicted of a criminal offence. If there is no indication of serious professional misconduct, perhaps because the veterinary surgeon has done nothing wrong or whatever might have gone wrong could not amount to serious professional misconduct, the complaint will be closed. In closing a complaint the College may give formal advice to the veterinary surgeon concerned.
7. In relation to professional misconduct it is important to distinguish such complaints from allegations of professional negligence.
8. Professional misconduct may be described as unethical behaviour on the part of the veterinary surgeon, for example false certification or seriously deficient veterinary care for an animal.

9. Professional negligence may be described as treatment of a patient by a veterinary surgeon that has fallen below the standards that would be expected of a reasonably competent member of the profession, with a detrimental effect on the animal.
10. In general, allegations of professional negligence are not for the College to resolve. Such matters are for the civil courts although it may be possible to resolve the issues with the veterinary surgeon, or practice in question.
11. More serious allegations of negligence *may* raise an issue of serious professional misconduct.
12. Please note that diagnosis and treatment do not always go according to plan. Diagnosis is a balancing of probabilities and medical treatment is no guarantee of success. The fact that a diagnosis may have been incorrect or a course of treatment has not cured the patient may not be the result of negligence or misconduct on the part of the veterinary surgeon.
13. The College will assess whether any issues of professional conduct arise but will not adjudicate on allegations of negligence as an alternative to the courts.

WHAT HAPPENS WHEN A COMPLAINT AGAINST A VETERINARY SURGEON IS RECEIVED BY THE RCVS?



ACKNOWLEDGMENT

1. Upon receipt, the College will acknowledge your complaint form.

ASSESSMENT

2. Your complaint is then assessed within the Professional Conduct Department (usually by a caseworker in conjunction with a senior veterinary surgeon attached to the College) to ascertain if the complaint raises any issues that can be pursued i.e. "issues of professional conduct".
3. At this stage your complaint is assessed on the information you have provided. Therefore please ensure that all relevant information is included with your complaint, for example, any correspondence you have had with the veterinary surgeon or veterinary practice concerned.
4. If your complaint does not raise any issues of professional conduct, you will be notified by letter; the letter will explain the College's reasons for this. Following receipt of this letter: -
 - (1) if you wish to dispute this assessment or make additional comments, you should do so, in writing, to the College within 14 days, and your complaint will then be reviewed further. If following review, your complaint still does not raise any issues of professional conduct, it will be closed and you will be notified in writing.
 - (2) if we do not hear from you within 14 days, your complaint will be closed.

If your complaint is closed, the veterinary surgeon you have complained about will be provided with a copy of your complaint as well as the College's correspondence with you. [From receipt of your complaint this may take one month (two months in the case of review)].

5. If your complaint raises an issue of professional conduct, the College will set these out in writing to the veterinary surgeon concerned and at the same time will provide him or her with a copy of your complaint. The veterinary surgeon will be asked to respond and give his/her comments on the issues raised. You will also be notified of the issues identified by the College. If for any reason, you do not agree with these you should contact the College. [From receipt of your letter this may take one month].
6. If any other veterinary surgeons have been involved (e.g. in providing subsequent treatment or a second opinion), ordinarily they will be asked to submit their comments.
7. You will be provided with a copy of these responses and given a chance to comment on them prior to the papers being passed to the Preliminary Screening stage.

SCREENING

8. Once all replies have been received, the papers will be passed to preliminary screeners – usually the Chairman and one other member of the Preliminary Investigation Committee (PIC) - for consideration. You will be informed of this.
9. If neither preliminary screener considers that the College should pursue your complaint, you will be notified and receive an explanation for this decision. The basis for closing your

complaint will be that there is no indication of serious professional misconduct against the veterinary surgeon concerned. [From receipt of your complaint this may take three months].

10. If either one of the preliminary screeners considers it appropriate, your complaint will be referred to the PIC, who may also request that further inquiries be instituted at this stage.

INVESTIGATION COMMITTEE

11. The Preliminary Investigation Committee (PIC) can refer a complaint to the Disciplinary Committee for a public hearing.
12. If your complaint is forwarded to the PIC, the committee will consider your complaint, the veterinary surgeon's response and any other information received. You will be informed of the date on which PIC will consider your complaint.
13. As part of the investigation process the PIC may decide:
 - that it would be appropriate for the veterinary surgeon to be interviewed/interviewed under caution. (This may be carried out by 2 members of the PIC (a Lay Observer may also be in attendance). You will be notified of this course of action and generally a member of the Professional Conduct Department will telephone you and speak with you prior to the interview.
 - that there should be a visit to the practice concerned. This can be carried out by 1 or more members of PIC, a caseworker within the Professional Conduct Dept, Lay Observer, or a solicitor/investigator.
14. Please note that a veterinary surgeon is not obliged to attend an interview or to agree to a practice visit.
15. The PIC will receive a short report of any interview or practice visit and a verbatim transcript of any interview conducted under caution and will then decide whether the complaint should be pursued further. Information obtained from an interview under caution may be used against the veterinary surgeon concerned if your complaint is referred to the Disciplinary Committee (DC).
16. Please note however that interviews or practice visits are not automatic and without either of these taking place, the Preliminary Investigation Committee may: -
 - **Close** the complaint if it is satisfied that there is no indication of serious professional misconduct. Even so, the veterinary surgeon concerned may be given formal **Advice** regarding his or her future actions or conduct.
 - **Hold** a complaint open for a period of time not exceeding two years to allow a complaint to be pursued at a later date if appropriate.
 - **Investigate further;** either by the Professional Conduct Department and/or the College's solicitors. If so, you may be asked to provide a formal statement on your complaint.
17. The PIC will consider all the evidence obtained, which may be forwarded to the veterinary surgeon concerned for his or her comments, and will then decide whether specific charges should be referred to the Disciplinary Committee for a public hearing.

18. If your complaint is closed at the PIC stage, the College will give reasons for its decision. [From receipt of your complaint this may take six months or longer depending on the investigation.]
19. Please note that the veterinary surgeon will be asked to permit the College to give you a copy of his or her responses to the complaint but such permission is not always given. If the veterinary surgeon has given his or her permission, you will receive a copy of his or her response. Generally this will be provided to you at the conclusion of your complaint.
20. These are general procedures, which may be varied as necessary for any individual complaint.

PUBLIC DISCIPLINARY COMMITTEE HEARING

21. The Disciplinary Committee is a judicial tribunal, the equivalent of a court of law. Witnesses are called and may be cross-examined on oath. You may be asked to attend a formal disciplinary hearing to give evidence. The case must be proved beyond all reasonable doubt (the standard applied in criminal courts).
22. If the Disciplinary Committee finds a veterinary surgeon guilty of conduct disgraceful in a professional respect the Committee may:
 - Postpone judgment for a specified period, perhaps with restrictions on the veterinary surgeon's practice;
 - Warn him/her as to future conduct;
 - Suspend his/her name from the Register for a specific period; or
 - Order that his/her name be removed from the Register.
23. The Disciplinary Committee and the Preliminary Investigation Committee have no power to order a fine or the payment of compensation.
24. If a veterinary surgeon's name is removed or suspended from the Register then he or she may not practise as a veterinary surgeon until they have successfully applied to the Disciplinary Committee for reinstatement (not less than 10 months after removal) or until the period of suspension has expired.

PRIVY COUNCIL APPEAL

25. A veterinary surgeon may appeal to the Judicial Committee of the Privy Council against a direction of the RCVS Disciplinary Committee. From formal notification of the direction, the veterinary surgeon has 28 days to lodge an appeal and may continue practising during this time. If at the end of 28 days no appeal has been lodged any order for suspension or removal from the Register becomes effective. If an appeal is lodged, the veterinary surgeon may carry on practising until the appeal is determined.

(NB. Complaint forms must be submitted in hard copy)

THE ROYAL COLLEGE OF VETERINARY SURGEONS

COMPLAINTS FORM

WHEN COMPLETING THIS FORM PLEASE ENSURE THAT YOU:

1) **WRITE CLEARLY IN BLACK INK**

2) **DO NOT WRITE CLOSE TO THE EDGES OF THE PAPER**

Your complaint may have to be photocopied, and words at the edge of the paper do not copy clearly.

3) **SIGN THE FORM**

We need your signature to be able to proceed with your complaint. This may involve copying correspondence to the veterinary surgeon concerned; we cannot do this without your permission.

YOUR DETAILS

1. Date: _____ / _____ / _____

2. Your name: _____

Address: _____

Postcode: _____

E-mail: _____

4. Telephone No. Work: _____

Home: _____

Mobile: _____

DETAILS OF THE ANIMAL

5. Are you the owner of the animal? YES / NO

6. What is the animal's name? _____

7. What kind of animal is it? Dog / Cat / Horse / Other: _____

8. What breed is the animal? _____

9. How old is the animal? _____

10. What sex is the animal? Male / Female

11. Was your animal put to sleep? YES / NO

12. If not, is your animal still alive? YES / NO

WHO IS YOUR COMPLAINT AGAINST?

13. Which veterinary surgeon are you complaining about?

Name: _____

Practice: _____

Address: _____

Postcode: _____

14. If your complaint relates to an incident more than 6 months ago please explain why you have not complained to the Royal College before now.

15. Is there a fee dispute or fee issue between you and the practice? YES / NO

If yes, please give details: _____

ADDITIONAL INFORMATION

16. Was your animal seen by any other veterinary surgeon from the **above** practice?

YES / NO Name: _____

17. Have you discussed your complaint with the **above** veterinary surgeon/practice?

YES / NO

If yes, what happened? **Please attach copies of all correspondence with the veterinary surgeon / practice and any copies of clinical records in your possession.**

If No, why not?

(NB: We advise that you try to seek an explanation from the veterinary surgeon or practice concerned)

18. Did you seek a second opinion from another veterinary surgeon or practice?

YES / NO

Name: _____

Practice: _____

Address: _____

Post Code: _____

If yes, what happened? **Please attach copies of all correspondence with the veterinary surgeon / practice and any copies of clinical records in your possession.**

19. Please give the case history in **BRIEF**; include relevant dates, symptoms and treatment administered. Please continue on separate paper. **If possible please type out your answer to this question on separate paper.**

20. What specifically dissatisfied you?

21. Finally, what would be a satisfactory outcome to your complaint?
(Please remember the College cannot award compensation or fine a veterinary surgeon)

22. Your permission is required to send a copy of this form to the veterinary surgeon, whether the College pursues your complaint or not. In addition, generally any prior or subsequent correspondence you have with the College relating to this complaint will be copied to the Veterinary Surgeon concerned.

Please sign below to give us this permission. (If you feel unable to sign, it is unlikely that your complaint will be considered but please still return the form)

Signed

Please return to:
Professional Conduct Department
Royal College of Veterinary Surgeons
Belgravia House
62-64 Horseferry Road
London SW1P 2AF

