

Draft Code of Professional Conduct for Veterinary Surgeons

A CONSULTATION

March 2011

25 March 2011

Dear Colleague

New draft Code of Professional Conduct for Veterinary Surgeons

The College is seeking your views on a draft new Code of Professional Conduct for Veterinary Surgeons.

You will see at once that this is a 'Code' and not a 'Guide'. This reflects one of the key changes that we are proposing, in that the new Code is a simplified document which focuses on key principles, and it will be supported by more detailed guidance.

The Working Party tasked by the RCVS Advisory Committee with developing a replacement for the current *Guide to Professional Conduct* was asked to consider both the format and content of the *Guide*.

Over the decade or so since it was last reviewed, not only has the *Guide* become unwieldy in places, but the way that regulators in general publish professional conduct rules has changed. Our draft new Code aims to clarify matters and bring us into line with best practice elsewhere.

Another key change over the last decade is that the public are increasingly keen to understand the basis of what the veterinary profession considers to be good professional conduct. The new simplified Code should assist with this understanding.

The version of the Code in this document was given general approval by RCVS Council on 3 March to act as a working draft on which to consult the profession and the public. A new Code for veterinary nurses is under development and will be the subject of a separate consultation.

We value your feedback and comments on any aspect of the draft which follows. Please send them to Christopher Murdoch, Secretary to the Guides Review Working Party, on c.murdoch@rcvs.org.uk, by Friday 24 June 2011.

Yours faithfully



Mrs Clare Tapsfield-Wright BVMS MRCVS

Chairman, Guides Review Working Party

Consultation on a draft Code of Professional Conduct for Veterinary Surgeons

Introduction

The Royal College of Veterinary Surgeons (RCVS) has a duty to undertake the statutory responsibilities set out in the Veterinary Surgeons Act 1966 (the Act) in its role as regulator of veterinary surgeons in the United Kingdom. This includes regulating the professional conduct of veterinary surgeons and ensuring that only those fit to practise are allowed to do so.

In the performance of this role, the RCVS provides guidance to members of the profession to ensure that they continue to be fit to practise and comply with professional responsibilities and standards. This guidance establishes factors that may impair fitness to practise. The failure to adhere to the guidance may result in the RCVS Disciplinary Committee judging that a veterinary surgeon is guilty of disgraceful conduct in a professional respect under the Act, possibly resulting in sanction.

Guidance on the principles governing the conduct of veterinary surgeons and their responsibilities is also important in establishing the reasonable expectations of animal-owners, who entrust the care of animals to veterinary surgeons, as well as the expectations of the general public.

Currently, this guidance is provided in the *RCVS Guide to Professional Conduct* (the *Guide*) for veterinary surgeons, together with the associated annexes and advice notes.

In June 2010, the RCVS established a Working Party to consider the *Guides* for veterinary surgeons and veterinary nurses, to ensure content, format and presentation meets the current and foreseeable needs of the veterinary team and the animal-owning public.

Review of the Guides to Professional Conduct Working Party

The Working Party consists of 12 members and includes veterinary surgeons, veterinary nurses and members of the public, some of whom are RCVS Council members, under the chairmanship of Mrs Clare Tapsfield-Wright. The Working Party has met twice, in September 2010 and January 2011, and reported to the RCVS Advisory Committee and Council on its progress.

In its terms of reference, the Working Party was tasked with giving particular consideration to the following topics:

- The general structure, format and language of the *Guide*, with regard to relevant comparators, including the RCVS Practice Standards Manual;
- The performance of the current *Guide*, including strengths and weaknesses, as compared with guides from other professions;

- EU Directive 2006/123/EC (in relation to the provision of services) and other relevant influences, including the [CEPLIS statement of common values](#), [FVE Code of Conduct](#) and [Good Veterinary Practice Guides](#);
- The jurisdiction of the RCVS, with particular reference to legal advice which is being sought on the current RCVS jurisdiction [the legal advice is awaited];
- Whether to amalgamate the *Guides* for veterinary surgeons and veterinary nurses;
- Guidance for the veterinary team (individual responsibilities) and veterinary practices (management of veterinary businesses);
- Guidance on the treatment and care of an animal or herd by more than one veterinary surgeon or practice;
- Any clinical governance requirements;
- Whether the *Guide* should include information on good clinical practice, noting that the charge of 'disgraceful conduct in a professional respect' may be one of 'inadequate professional care';
- Guidance on incentive schemes for employees, directors and practices;
- 24-hour emergency cover, noting the recent reviews of the current *Guide* provisions;
- Conflicts of interest issues, including those raised by the RCVS Certification Subcommittee;
- Veterinary nursing issues; having regard to veterinary nurse regulation and the issues raised during consideration of the first *Guide* for veterinary nurses in 2006;
- Whether the Core Standards of the Practice Standards Scheme as set out in the [Practice Standards Manual](#) could or should become *Guide* requirements;
- Guidance for veterinary students and student veterinary nurses, as part of the *Guide* or a separate document;
- Views of the Preliminary Investigation Committee (including the Lay Observers) and the Disciplinary Committee;
- The work of the Specialist Working Party, taking into account changes in the *Guide* with regard to Specialist status;
- The extent and scope of any consultation with the profession or the animal-owning public; and,
- Delivery of the guidance (for example, web-based, electronic or hard copy).

The Working Party has been supported by both the Advisory Committee and RCVS Council in recommending that the new Code should:

- Be a short, principles-based document using the Federation of Veterinarians of Europe's Code of Conduct as the starting point;

- Include a compulsory continuing professional development requirement, the RCVS Health Protocol and more on clinical competence, and give prominence to relevant medicines issues;
- Use consistent language to distinguish between what must be done and what is advised;
- Be supported by additional advice on specific areas of veterinary practice or issues, for example, clinical governance;
- Be available in electronic and hard copy, with links or references to any additional RCVS advice; and,
- Apply as appropriate to veterinary surgeons and veterinary nurses, taking into account the views of the Veterinary Nurses Council.

Reports of the two meetings of the Working Party are available from the RCVS, which detail the Working Party's discussions on these issues.

The resulting draft Code of Professional Conduct (the Code) is a marked change in style and format from the existing *Guide*. It includes a revised declaration, which underlines the primary importance of animal health and welfare:

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

It also includes shorter principles-based sections and a five-point list outlining that the overarching duty of veterinary surgeons is to ensure the welfare of animals committed to their care and to fulfil their professional duties by maintaining:

1. Professional competence
2. Honesty and integrity
3. Independence and impartiality
4. Client confidentiality and trust
5. Professional accountability

The draft Code sets out 49 responsibilities for veterinary surgeons in the six relationship areas of animals, clients, the profession, the veterinary team or business, the RCVS and the public. These responsibilities include most of the responsibilities set out in Part 1 of the current *Guide* and, for example, introduce as compulsory the Professional Development Phase, clinical governance, self-

notification of criminal convictions and, when requested, the provision of CPD records to the RCVS. The responsibilities introduced in 2010 by the Health Protocol remain part of the draft Code.

The intention behind the draft Code has been to streamline the advice provided by the RCVS and to clarify the core responsibilities of veterinary surgeons. The additional advice, which is currently available in the *Guide*, its annexes and the separate advice notes, will not be lost, but will form supporting guidance for the Code. The intention is to link the supporting guidance to the principles, six relationship areas and individual responsibilities set out in the Code, as appropriate.

The Code printed in this document is a working draft generally approved by RCVS Council for the purposes of this consultation and includes some areas that are subject to separate consideration (in italics), such as the work of the Specialisation Working Party and any performance or competence protocol. As with the Health Protocol, any performance or competence protocol will be agreed with the Preliminary Investigation Committee and will be the subject of a separate consultation. This is the subject of legal advice sought by the RCVS on the extent of its jurisdiction under the Veterinary Surgeons Act.

A separate but similar Code is under development for veterinary nurses. It will share broadly similar underlying principles and will be the subject of separate consultation.

Invitation to comment

Comments are sought from the public and the profession on the draft Code. Responses to the consultation will be considered by the Working Party. The RCVS Advisory Committee and Council will consider a summary of responses received before the Code is given final approval.

Consultation responses received may be made publicly available at the end of the consultation period, and the information they contain may also be published in a summary of responses. If you do not consent to this, please make clear that your response is to be treated as confidential. You should also be aware that the RCVS may be required to communicate your information to third parties in response to requests made under the Freedom of Information Act 2000.

Comments should be sent by Friday, 24 June 2011, to Christopher Murdoch, at the RCVS Professional Conduct Department, preferably by email, to c.murdoch@rcvs.org.uk, or by post to:

Christopher Murdoch
Secretary to the Review of the Guides to Professional Conduct Working Party
Professional Conduct Department
Belgravia House
62-64 Horseferry Road
London
SW1P 2AF

Hard copies of this paper can be obtained from the same address (or phone 020 7202 0789).

Draft Code of Professional Conduct

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Introduction and guiding principles

The Royal College of Veterinary Surgeons regulates the veterinary profession through the Veterinary Surgeons Act and Royal Charter and is responsible for overseeing the education of veterinary students, the registration of veterinary graduates and the fitness to practise of veterinary surgeons. Veterinary surgeons appropriately registered with the Royal College of Veterinary Surgeons have the right to practise veterinary surgery in the UK.

The RCVS Code of Professional Conduct specifies the principles and responsibilities that guide veterinary surgeons in their professional lives. Veterinary surgeons have a variety of legal and professional responsibilities, including those to animals, clients, the veterinary profession in general and each colleague in particular, the veterinary team, the RCVS and the general public.

Rights and responsibilities go hand in hand. For this reason, on admission to membership of the Royal College of Veterinary Surgeons, and in exchange for the right to practise veterinary surgery in the United Kingdom, every veterinary surgeon makes a declaration. Since XXX [date of introduction of new Code] the terms of the declaration are:

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

The overarching duty of veterinary surgeons is to ensure the welfare of animals committed to their care and to fulfil their professional duties, by maintaining:

- 1 Professional competence
- 2 Honesty and integrity
- 3 Independence and impartiality
- 4 Client confidentiality and trust
- 5 Professional accountability

Veterinary surgeons' responsibilities:

Veterinary surgeons and animals

1. Veterinary surgeons must make animal welfare their first consideration when attending to animals.
2. Veterinary surgeons must ensure that animals committed to their care receive appropriate and adequate veterinary care.
3. Veterinary surgeons must take steps to provide emergency first aid and pain relief to animals according to their skills and the specific situation.
4. Veterinary surgeons must be competent in their performance, or be under the close supervision of veterinary surgeons who are competent.
5. Veterinary surgeons must ensure appropriate post-operative or inpatient care for animals after the provision of veterinary procedures, treatment or tests.
6. Veterinary surgeons must prescribe, supply and administer medicines responsibly and in the best interests of the animal or herd, in accordance with the principles of pharmacovigilance and respecting the continued efficacy of the medicine, and for POM-V medicines the animals must be under the prescriber's care.
7. Veterinary surgeons must ensure that clinical governance (consideration of animal safety, client experience and effective care) forms part of their professional activities, including monitoring and reviewing clinical outcomes with the aim of improving the care they provide.
8. Veterinary surgeons must consider reporting to an appropriate authority when there is reasonable concern that animal welfare has been, or is likely to be, compromised.
9. Veterinary surgeons must consider the euthanasia of an animal to prevent unnecessary suffering, even when the owner or keeper of an animal cannot be contacted, but prior to this, treatment options must be considered, as appropriate.

Veterinary surgeons and clients

1. Veterinary surgeons must respect the needs and requirements of their clients, provided that they do not conflict with the principles of this Code or relevant legislation.
2. Veterinary surgeons must provide impartial, independent and objective advice and inform the client of any conflict of interest.
3. Veterinary surgeons must be able to communicate effectively, using the English language in the UK, as appropriate to the audience and context.
4. Veterinary surgeons must provide initial and ongoing professional advice, reasonable treatment options, estimates of associated fees and prescriptions, as appropriate.
5. Veterinary surgeons must give appropriate information to clients about the:
 - a) provision of care to any patient kept on practice premises, including care outside normal working hours;
 - b) provision and likely cost of out-of-hours emergency veterinary care and domiciliary visits; and,
 - c) cost of medicines and prescriptions in response to reasonable requests and by displaying a large and prominent notice that complies with the responsibilities agreed between the RCVS and the Office of Fair Trading.
6. Veterinary surgeons must, as far as is reasonably practical, ensure informed consent is obtained from a client before treatments or procedures are carried out.
7. Veterinary surgeons must not breach client confidentiality unless there are overriding reasons in the public interest, including animal health or welfare.
8. Veterinary surgeons must keep clear, accurate and detailed clinical and client records.
9. Veterinary surgeons must respond promptly, fully and courteously to clients' complaints and criticism.
10. Veterinary surgeons must ensure that all their professional activities are covered by professional indemnity insurance or equivalent arrangements.

Veterinary surgeons and the profession

1. Veterinary surgeons must take, and, at the request of the RCVS, demonstrate that they have taken, reasonable steps to address adverse physical or mental health (i) that could impair fitness to practise; or (ii) that results in harm, or a risk of harm, to animal health or welfare, public health or the public interest.
2. *Veterinary surgeons must take, and, at the request of the RCVS, demonstrate that they have taken, reasonable steps to address performance (i) that could impair fitness to practise; or (ii) that results in harm, or a risk of harm, to animal health or welfare, public health or the public interest [Subject to legal advice on RCVS jurisdiction].*
3. Veterinary surgeons in clinical practice, including those qualified elsewhere in Europe, or overseas, must undertake and complete the RCVS Professional Development Phase (PDP) as their initial CPD after qualification and registration; PDP may be used by those returning to clinical practice after a career break.
4. Veterinary surgeons on the RCVS practising Register must maintain and develop the knowledge and skills relevant to their professional practice and competence and must undertake a minimum of 105 hours of continuing professional development (CPD) over any consecutive three-year period and keep an appropriate record of CPD undertaken; a significant proportion of which must be relevant to their area of practice.
5. Veterinary surgeons who are concerned that the health, *performance or competence* [Subject to legal advice on RCVS jurisdiction] of another veterinary surgeon is impairing his or her fitness to practise must take steps to ensure that animals are not put at risk and that the interests of the public, including those of the other veterinary surgeon, are protected.
6. Veterinary surgeons must communicate with each other, as appropriate, to ensure that the interests of the animal or group of animals are protected when one veterinary surgeon takes over the care of an animal or group of animals from another, or when veterinary surgeons care for the same animal or group of animals.
7. Veterinary surgeons must conduct themselves in a manner that respects professional colleagues and must not maliciously, or unfairly, criticise or attempt to discredit a professional colleague.
8. *Veterinary surgeons must not hold themselves out as having expertise they cannot substantiate, or call themselves a 'specialist' where to do so would be misleading or misrepresentative [subject to discussions by the RCVS Specialisation Working Party].*

Veterinary surgeons and the veterinary team or business

1. Veterinary surgeons with ownership or control of the veterinary business, or with management or other responsibilities associated with the veterinary team or business, have a greater responsibility to ensure professional colleagues, or staff within the organisation or practice, comply with responsibilities in the RCVS Code of Professional Conduct.
2. Veterinary surgeons must ensure that there is appropriate veterinary management or supervision of the veterinary team, and appropriate support and assistance for newly registered veterinary surgeons, including those who qualified elsewhere in Europe, or overseas.
3. Veterinary surgeons must communicate with professional colleagues and staff within the organisation or practice, to co-ordinate the care of animals and the delivery of veterinary services.
4. Veterinary surgeons must ensure that any member of support staff to whom a task is delegated has the knowledge and skills and any relevant qualification necessary to undertake that task competently.
5. Veterinary surgeons must not direct a listed veterinary nurse to undertake veterinary surgery in accordance with Schedule 3 of the Veterinary Surgeons Act 1966, if the nurse's name has been removed from the RCVS Register at the direction of the Veterinary Nurses Disciplinary Committee.
6. Veterinary surgeons must account, individually or collectively, for medicines (including drugs controlled under the Misuse of Drugs Act) obtained for use within the organisation or practice.
7. Veterinary surgeons advertising their services must do so in a legal, decent, honest, truthful and professional manner.
8. Veterinary surgeons must ensure that all of their professional activities and those of relevant staff are covered by professional indemnity insurance or equivalent arrangements.
9. Veterinary surgeons must maintain adequate practice standards to a minimum of the Core Standards of the RCVS Practice Standards Scheme.

Veterinary surgeons and the RCVS

1. Veterinary surgeons must be appropriately registered with the RCVS and comply with the RCVS Code of Conduct.
2. Veterinary surgeons must provide the RCVS with their CPD record when requested to do so.
3. Veterinary surgeons must comply with reasonable requests from the RCVS as part of the regulation of veterinary surgeons and the profession, and comply with any undertakings given to the RCVS.
4. Veterinary surgeons must respond promptly and constructively to any request from the RCVS for comments in relation to any allegation or complaint.
5. Veterinary surgeons must provide the RCVS with clinical or client records or any other relevant information when requested to do so in writing, or during a visit to practice premises.
6. Veterinary surgeons (and those applying to be registered as veterinary surgeons) must disclose to the RCVS any caution or conviction (including absolute and conditional discharges and spent convictions), or adverse finding by another regulator, whether in the UK, Europe or overseas.

Veterinary surgeons and the public

1. Veterinary surgeons must seek to ensure the protection of public health and must consider the impact of their actions on the public and the environment.
2. Veterinary surgeons must certify facts and opinions honestly and with due care, taking into account the 12 Principles of Certification.
3. Veterinary surgeons must report any suspicion of a notifiable or reportable disease to the appropriate authority.
4. Veterinary surgeons must, whenever appropriate, advise their clients about measures to minimise the risk of zoonotic agents, food-borne pathogens, residues, contaminants (biological and chemical agents) and antimicrobial resistance.
5. Veterinary surgeons must use their professional status to provide only factual information to the general public about veterinary products and services.
6. Veterinary surgeons must ensure they (and their staff, as appropriate) are sufficiently familiar and comply with legislation relevant to the provision of veterinary services.
7. Veterinary surgeons must not engage in any activity or behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession.

