

EFFICIENT ADAPTABLE COHERENT FLEXIBLE DURABLE CUSTOMER-FOCUSED FAIR INDEPENDENT OUTCOME-FOCUSED PREDICTABLE
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First Rate Regulator Initiative

Experiences of disciplinary hearings

On behalf of the Royal College of Veterinary Surgeons



Sally Williams & Associates

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This research report has been prepared for the Royal College of Veterinary Surgeons (RCVS) by Sally Williams and Andrew Smith. It is part of the RCVS First Rate Regulator initiative, which seeks to deliver improvements across the organisation to ensure that it is regulating as effectively as possible.

Reported here are the findings of a small qualitative research study into the experiences of people who complained to the RCVS about a veterinary surgeon, and whose complaint led to a disciplinary hearing.

This research builds on the findings of a quantitative survey exploring the wider experiences of people who complained to the RCVS between 2011 and 2012.

Method and sample

- The RCVS gathered a sample of eight complainants who had complained about a veterinary surgeon between 2011 and 2012, and whose case had proceeded to a disciplinary hearing. Not all complainants who fell into this category gave their permission to be interviewed, which limited the size of the sample to eight cases.
- In total, nine telephone interviews were conducted relating to these eight cases. For one case, both the original complainant and a second person who had served as a witness at the hearing and was keen to share their experience of the process, were interviewed.
- Three of those interviewed were veterinary surgeons and one was a veterinary nurse. The others were members of the public.
- Telephone interviews took place during February and March 2013, and lasted on average 25-30 minutes.

Timeframes

- The time it takes for a case to reach a disciplinary hearing was the main concern – at least five out of the eight cases took at least 18 months, and three took two years or longer.
- Most interviewees acknowledged the thoroughness of the process, but criticised the time taken to conclude the case. They felt that the RCVS did not appreciate the impact of the length of the process on those involved. Several interviewees compared the experience to the shorter timeframes in Crown and magistrates courts.
- Some perceived the timeframe as a sign that the RCVS did not take their complaint seriously and/or was closing ranks.

Pursuing the case

- Interviewees perceived the RCVS to be overly lenient with the veterinary surgeon/nurse and his or her representatives – for example, by allowing them to hold up investigations or delay a hearing. They would like to see firmer timetables enforced.
- Some questioned the rigour with which the RCVS pursues a case, and would like to see the investigation process improved. This tended to relate to more technical cases.
- For example, for one case, questions were raised about the choice of expert witness and the reliability of the evidence that was presented. For another case, the complainant perceived the RCVS to have a poor understanding of the issues.

Communication

- Lack of communication is an issue. Communication immediately before and during a hearing was generally good, but before this there were long periods of silence. Interviewees felt that nothing happened during these periods and this gave rise to concern that the RCVS was not giving their case sufficient attention or priority. The lack of communication added to the stress of the lengthy process.
- When communication happened, it was always polite and professional.
- Some interviewees reported that they had to chase to find out about progress after agreed milestones had passed. Some thought having a dedicated case manager might help to improve communication.

Preparing for the hearing

- Interviewees generally reported that the way hearings were managed, RCVS staff and the panels were extremely professional.
- All had been visited by solicitors instructed by the RCVS, who took statements. Meetings with solicitors were usually held at hotels convenient to the interviewees, who described the process as very professional, but slow to be organised.
- Some interviewees expressed frustration that they had attended their hearing but had not been required to give evidence. They suggested that, where possible, this should be anticipated in advance, particularly where several witnesses are required to travel long distances or where a statement has been provided which is straightforward and factual.

Being called as a witness

- Some interviewees expressed surprise at the number of witnesses who had been called. This led some to question whether the overall investigation had been too lengthy.
- The RCVS could be more consistent in its briefing of witnesses. Only one interviewee recalled having received a witness pack. Communication around the hearing also appeared to be variable. Some interviewees reported that very little was explained to them, whilst some received several phone calls from the RCVS and were very impressed by this.
- Suggestions for improvement included ensuring that witnesses are introduced to each other when shown to a waiting room, and offering witnesses a tour of the hearing room before proceedings begin.

During the hearing

- Interviewees said that they had been treated well during the hearing and their expenses were paid.
- The hearings were generally thought to have been well executed, highly professional and robust.
- Panel members and barristers acting on behalf of the RCVS were described as kind and considerate to witnesses.
- Some were surprised by the formality of the hearing, yet they were reassured by this as it reinforced the seriousness of the process.
- One area for improvement related to ensuring that the complainant/witness is not left in the hearing room with the veterinary surgeon the case is about when the panel retires.

Communicating the outcome

- Interviewees reported that communication of the verdict was too slow, and in some cases was delayed by several weeks and was made by post only.
- Several interviewees first learnt of the outcome when the media contacted them for comment. This caused them embarrassment and frustration.

Quotes from interviewees

'It was two years of hell...far too long...felt like my practice was the defendant, not the nurse'

'They take complaints seriously, but don't have robust (enough) processes to make sure they are concluded satisfactorily'

'I think they did a terrific job...they communicated with us very well...I can't think of any improvements'

'(We) did not feel that the RCVS did a very good job at all...You fail to see how the panel came up with the (verdict) they did...it's the difference between 'in all probability' and 'absolute certainty''