COUNCIL MEETING

THURSDAY, 1 NOVEMBER 2012 AT 10.00 AM

AGENDA

1. Apologies for Absence

2. Declarations of Interests

3. President’s Introduction

4. CEO’s early reflections

5. Minutes of the Meeting held on 7 June 2012

6. Matters Arising
   a. Obituaries
   b. Council Correspondence and Matters for Report

7. Matters for Decision by Council
   a. Budget (P&RC)
   b. Audit & Risk Committee
   c. Governance Review Group Report
   d. Council and committees
   e. General Administration Byelaws
   f. Hire of College Data
   g. Head of Legal Services / Registrar appointment
   h. Committee Membership Changes 2012 / 2013
   i. LRO Selection Committee

8. Reports of Committees
   a. Advisory Committee
      (Mrs C J Tapsfield-Wright)
   b. Veterinary Nurses Council
      (Mrs K E Kissick)
   c. Education Policy & Specialisation Committee
      (Mr C W Tufnell)
   d. Planning & Resources Committee

Classification: Unclassified
9. **Reports of Statutory Committees – To Note**
   
   a. Preliminary Investigation Committee
      (Mrs P J Nute)
      Unclassified
   
   b. Disciplinary Committee
      (Professor P Lees)
      Unclassified

10. **Notices of Motion**

11. **Questions**

12. **Any Other College Business**
    Oral Report

13. **Confidential Matters** (To be held in Committee)
    To receive and approve the recommendations of the Nominations Committee

14. **Date of Next Meeting**
    Thursday, 1 March 2013 at 10:00 am

**AFTERNOON SESSION** 2.00 – 4.00 pm

2.00 pm A discussion on the role of the RCVS in Evidence-based Veterinary Medicine.

Mrs Gabriella Braun, Secretary to RCVS Council
executiveoffice@rcvs.org.uk – 0207 202 0761
Obituary of Jack Brian Walsby

Jack was born in 1926 in Twickenham as the son of a newspaper editor, and was educated locally. His education was interrupted by a long period in hospital recovering from tuberculosis, and he also spent four years as an evacuee living on the edge of Exmoor, Somerset. Days misspent from school following red deer on Exmoor fired his enthusiasm for a country life and a determination to become a veterinary surgeon, and consequently he entered the Royal Veterinary College (RVC) in 1944.

After qualifying in 1948 he entered a mixed practice in Norfolk, when there were still large dairy herds in the Eastern Counties, a consequence of war. The hours were long, and the clinical experience was to prove invaluable as he moved from the flat country of the East to the rolling hills of the Welsh borders in Shropshire, where there was an abundance of sheep and as many beef cattle as dairy. He then purchased a one-man practice in Somerset where he was to remain for the next 35 years, by which time the practice had increased to require six people.

Always interested in the wider activities of the profession, Jack joined the Mid-West Division of the British Veterinary Association (BVA), and, in 1964, served as its President. He was a member of the Society of Practising Veterinary Surgeons (SPVS) from 1952 and served on its Council for several years, becoming SPVS President in 1979. He was also on the BVA Council for 20 years and served as Honorary Treasurer from 1974 to 1979, being made a BVA life member in 1985. In 1982, he received the CVet Award for meritorious services to the profession.

Jack was a founder of a veterinary wholesale company in 1964, and was its chairman for 26 years. He had a longstanding interest in veterinary pharmaceuticals and served on several government committees. For many years he represented the BVA on the Animal Medicines Training Regulation Authority.

He was also Chief Executive for ten years of the Veterinary Defence Society, and played a considerable part in its development from a small part-time organisation to a fully authorised insurance company with a permanent staff in a computerised, purpose-built headquarters.

Elected to the Council of the Royal College of Veterinary Surgeons (RCVS) in 1983, he served on most of the RCVS committees before being elected President in 1991. The year was not without its problems, as the Registrar left abruptly and Jack was left to do all the work on his own. He never complained, he just worked harder and, with statesman qualities, guided the College though a very traumatic period. In 1998, he was awarded an RCVS Honorary Fellowship for services to the profession.

Having retired from practice and the RCVS he became a consultant to a national poultry company and an Official Veterinary Surgeon in white meat. He was keenly interested in the profession’s increasing and rightful involvement in food hygiene.

Among his wider interests he was Vice-President of the Veterinary Benevolent Fund, having an empathy with those members or their dependants who, often through sickness or ill fortune, find
themselves in distressed circumstances. He was a member of the Court of the Worshipful Company of Farriers, responsible for the training and examination of farriers.

His interest and depth of knowledge of the decorative arts was well known and he served on the Council of the Furniture History Society and held a licence to deal in gold. He was very proud of the treasures he kept and used at Lullington House, such as the silver, paintings, furniture and books. He and his wife Anne loved Lullington House not only to live in but also to entertain their many guests. Days were spent cataloguing the contents of a museum in Bath and visiting historic buildings, particularly churches, up to the time of his death. Jack was for many years the warden of his village church.

He was admirably supported by Anne, who he met at the RVC, who pre-deceased him and his two sons and daughter. The recent loss of one son with Motor Neurone Disease was a terrible blow which affected him deeply.

Jack died suddenly at Lullington House surrounded by his family drinking a glass of red wine and watching the cricket on television, contented. Our sympathy goes to his children and grandchildren.

Barry Johnson, October 2012
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<th><strong>Meeting</strong></th>
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<tr>
<td><strong>Date</strong></td>
<td>1&lt;sup&gt;st&lt;/sup&gt; November 2012</td>
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<tr>
<td><strong>Title</strong></td>
<td>Governance Review Group Report</td>
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<tr>
<td><strong>Classification</strong></td>
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<tr>
<td><strong>Decisions required</strong></td>
<td>None</td>
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<td><strong>Attachments</strong></td>
<td>None</td>
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| **Author**  | Gordon Hockey  
Registrar Designate |
Apologies for Absence

1. There were no apologies for absence.

Declarations of Interest

2. There were no additional declarations of interest.

Minutes of the meeting held on 25 April 2012

3. The minutes of the last meeting on 25 April 2012, which had been agreed, were confirmed as a correct record of the meeting, subject to one typographical correction.

Matters Arising

4. There were no matters arising that were not covered elsewhere in the agenda

Enforcement of the Code of Conduct for Council and Committee Members

5. There was discussion of the legal advice received by the RCVS, the paper on the issue and the decision of the RCVS Planning and Resources Committee (P&RC). The Committee considered that the legal advice was not as definitive as suggested in the paper and allowed for the introduction of a scheme to remove Council members from office in appropriate circumstances, for example, to protect the RCVS from any reputational damage that it might suffer if such members were to continue to hold office, or remain members of Council, or to seek to stand for re-election. The Committee considered that the external advice should be reviewed so as to confirm this interpretation was correct.
Supporting Bye-Laws to the Legislative Reform Order

6. The Governance Review Group (GRG) noted with approval the broad outline of the proposed RCVS Byelaws, to support the Legislative Reform Order (LRO) proposals and was encouraged to note the ongoing dialogue with Defra on the issue.

RCVS Committee structure

7. The GRG noted the paper considered by the P&RC on 10 May together with a copy of the relevant minutes and noted with disappointment that the proposal to establish a Board to manage the RCVS had been deferred pending the arrival of the new CEO. The GRG considered that when the Board was established, the P&RC would no longer be necessary with its functions being redistributed as appropriate to either the Board or the Audit and Risk Committee (A&RC).

8. The GRG was also disappointed to note that the P&RC had decided that the RCVS auditors could be reappointed even though they had served for more than 10 years without recourse to a fresh tendering process. In the absence of such a re-tender, good governance required that the audit personnel were changed.

CEO Recruitment

9. The GRG noted Nick Stace’s appointment and wished him all the best.

RCVS implementation of the iMIS computer system

10. [The Report was considered confidentially but has since been disclosed to the public] The GRG noted the report and expressed the hope that lessons had been learned from the mistakes. The GRG indicated that the mistakes were by no means unique to the RCVS.

Any Other Business

11. There was discussion of the RCVS Council decision to revisit the composition of the A&RC at the July 2012 meeting of Council. The GRG indicated that from the start its preference had been for a majority lay presence on Council and after considering the paper to be considered by Council on 1 March 2012 had made the following comments:

The GRG welcomes the establishment of the Audit and Risk Committee which clearly satisfies what was previously a major omission from the college’s governance structure. It also recognises the wish that it assume responsibility also for all governance matters. Such an architectural frame is appealing. But this could not happen with the presently proposed membership structure for that committee. This is because Council should
appoint a group independent of council membership to review Governance matters (see the Council minute and discussion for the establishment in the first instance of the present GRG and the McKelvey Report).

12. The GRG noted that these comments had been provided to Council at its meeting on 1 March 2012.

13. The GRG was concerned that it was now proposed to change the balance of the A&RC from that previously agreed by Council at its meeting on 1 March 2012.

14. The GRG commented that the concern that external members of the new A&RC might have insufficient knowledge of the organisation was not relevant because induction training should be provided by the RCVS and, in addition, senior members of RCVS staff should be present at the committee’s meetings, including the CEO, Registrar and Head of Finance. The GRG also commented that the profession needed the reassurance offered by the majority of committee members being external to the RCVS.

Date of Next Meeting

15. It was agreed that a future meeting date should not be set because the new A&RC is due to take over the functions of the GRG in early autumn 2012.

16. The Chairman expressed his appreciation and thanks to his fellow committee members for their contribution to the work of the GRG, as well as their forbearance of his chairmanship.
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<td>Date</td>
<td>1 November 2012</td>
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<tr>
<td>Title</td>
<td>Council and Committees</td>
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<td>Classification</td>
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<tr>
<td>Summary</td>
<td>The paper considers what responsibilities Council might delegate to the proposed Board</td>
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<td>Decisions required</td>
<td>To decide whether suggested terms of reference for the Board would be on the right lines</td>
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<td>Attachments</td>
<td>Annex A: possible terms of reference</td>
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<td>Author</td>
<td>Gordon Hockey</td>
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<td></td>
<td>Head of Legal Services and Registrar</td>
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<td>020 7202 0776</td>
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<td><a href="mailto:g.hockey@rcvs.org.uk">g.hockey@rcvs.org.uk</a></td>
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<tr>
<td></td>
<td>Nick Stace</td>
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<td>Chief Executive and Secretary</td>
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<td><a href="mailto:n.stace@rcvs.org.uk">n.stace@rcvs.org.uk</a></td>
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Introduction

1. At its meeting on 1 March Council debated the discussion document produced by the PP+2 group. The document suggested a new management structure under which an "executive committee" would implement the strategy approved by Council. The issues were discussed further by Planning and Resources Committee (PRC) on 10 May, with debate on a specific proposition that there should be a Board consisting of the Presidents, the Vice-Presidents, the Treasurer, the Chairmen of the main committees and the Chief Executive Officer.

2. The RCVS committee structure will be considered at the next committee and Council round early in 2013. It is envisaged that a Board on the lines discussed by PRC will be part of the new structure, and that it will take over the current functions of PRC and the Officers' Meetings. It would be difficult, however, for Council to take a view on the new arrangements in the absence of at least a provisional description of the functions and responsibilities of the Board. A paper which went to all committees in the October round therefore considered possible terms of reference.

Draft terms of reference for the Board

3. The remits of PRC and of the Officers' Meetings provide a natural starting point. There is in fact considerable overlap between the terms of reference of the committee and the delegated powers of the Officers' Meetings, as set out in the General Administration Bye-Laws 2009. Annex A represents a composite of the remits of the Committee and the Officers' Meetings. If it were adopted as the terms of reference of the Board, it would have the same discretion as that which Council currently entrusts to PRC and the Officers.

Discussion in committees

4. In the committee discussions there has been general support for the view that the terms of reference of the Board should be broadly on the lines of the draft. Particular points made are noted below.

5. A central issue is the way in which the Board should report to Council. The draft terms of reference distinguish between matters on which the Board should report, matters on which it should report to the extent that it thinks right, and matters for it to decide on its own authority. This categorisation is based on the existing provisions of the bye-laws, but these are not very precise in defining the discretion which PRC and the Officers's Meetings are meant to exercise.

6. It was questioned whether it would be appropriate for the Board to "oversee a regular risk assessment and internal audit reviews" as suggested in the draft, in view of the establishment of the Audit and Risk Committee (ARC). The management of the College will still, however, be responsible for putting in place appropriate arrangements for risk assessment and internal audit. The role of the ARC will be to advise whether the arrangements are sufficiently robust.

7. The draft would make the Board responsible for approving rates of travelling and subsistence expenses and recompense for loss of earnings (currently a PRC function). It has been pointed
out that members of the Board will be likely to incur higher than average expenses and so will have a personal interest in the rates set. This point has been discussed by the Audit and Risk Committee, and it is suggested that there should be a freestanding committee, preferably with at least two members who are not on Council, to determine the allowances. It is therefore proposed that the words in square brackets should be removed from the draft terms of reference.

8. Other points made in discussion concerned other aspects of the possible new structure:

- the Veterinary Nurses Council would wish to see its Chairman included as a member of the Board; and

- there was a call for more democratic arrangements for determining the membership of committees.

**Action**

9. Council is invited to consider whether the draft terms of reference at annex A would be broadly satisfactory as a basis for further discussion of the new structure.
Annex A

Possible terms of reference of Board

General

Oversee the management of all College business and oversee matters of governance and the management of resources.

Matters on which the Board is to report to Council

Present an annual budget to Council and recommend proposed fee changes.

Advise Council on corporate governance matters.

Present a strategic plan to Council.

Matters on which the Board is to report to Council as the Board thinks appropriate

Monitor management accounts and progress of projects, receiving reports on matters with major resource implications.

Oversee a regular risk assessment and internal audit reviews.

Co-ordinate Council and Committee business and keep under review governance, rules of procedure, terms of reference and composition of committees, and role and composition of sub-committees and working parties.

Keep strategy plan and its implementation under review.

Keep under review arrangements for Council elections, Schedule 1 to the Act and the Election Scheme.

Matters for decision by the Board

Lay down procedures for budgeting and financial control.

Deal with requests for variations from the approved budget.

Approve expenditure from the contingency fund or the College's reserves.

Manage the assets and investments of the College.

Oversee appointment of professional advisers to the College.

[Approve rates of travelling and subsistence expenses and recompense for loss of earnings.]
Authorise the sealing of documents.

Adjust priorities for action as appropriate following review of strategy plan.

Oversee the activities of the Communications Board.

Determine external representation and conduct external relations.

Deal with all matters relating to registration and membership of the College, oversee publication of Register and Directory and monitor composition of profession.
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<tr>
<td>Title</td>
<td>General Administration Bye-Laws</td>
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<tr>
<td>Classification</td>
<td>Unclassified</td>
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<tr>
<td>Summary</td>
<td>The paper proposes that the General Administration Bye-Laws 2009 should be amended so that they no longer lay down the constitution and terms of reference of RCVS committees or the roles and delegated powers of the Officers’ Meetings</td>
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<tr>
<td>Decisions required</td>
<td>Whether the bye-laws should be amended as proposed</td>
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<td>Attachments</td>
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<tr>
<td>Author</td>
<td>Jeff Gill</td>
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<td>Policy Consultant</td>
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<td><a href="mailto:j.gill@rcvs.org.uk">j.gill@rcvs.org.uk</a></td>
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Introduction

1. Council has powers in the Supplemental Charter of 1967 to make bye-laws for a number of purposes. The General Administration Bye-Laws 2009 (the GA bye-laws) currently do the following main jobs:

   (a) they lay down rules for the orderly conduct of College business;

   (b) they constitute committees, the Officers’ Meetings and the Governance Review Group, delegate powers to those bodies and lay down their terms of reference;

   (c) they determine the procedure of the Annual General Meeting (this is a specific requirement of the Charter); and

   (d) they determine the fee to be paid for the issue of a certificate as to whether or not a certain person is on the register (again, this is a requirement of the Charter).

The proposal

2. There is an argument for removing from the bye-laws the provisions mentioned at (b) above, which lay down the main management structure of the College. It would also be useful to bring the bye-laws up to date in a number of respects.

3. The Charter allows Council "to act by committees or sub-committees and to delegate such duties and powers as it thinks fit from time to time to such committees or sub-committees and to any of its own number and to the officers and servants and agents of the College". There is no requirement to do any of this through bye-laws.

4. The procedure for amending bye-laws is not particularly onerous, but it is inflexible. All Council members must be given 21 days notice of proposed bye-laws, and they must be approved by a two-thirds majority at a Council meeting. Council can therefore only accept or reject a draft which has been placed before it for ratification: there is no option to ratify with amendments, because due notice would not have been given of the changes. The safe course is to ask Council to approve the policy at one meeting and to ratify amended bye-laws at the next.

5. It is envisaged that Council will be invited in March 2013 to approve a new management structure, with revised committees and with a Board taking over the functions of the Planning and Resources Committee and the Officers’ Meetings. It will not be surprising if the structure adopted turns out to need some adjustment in the light of experience, and it would be convenient if this could be done without changes in the bye-laws. It is therefore proposed that the GA bye-laws should be revised so as to omit the constitution and terms of reference of committees and the Officers’ Meetings.

6. Council will still need to determine what committees and other bodies should exercise powers and discharge duties on its behalf, and what their remits should be. It can do so by approving
from time to time a paper setting out the composition and terms of reference of the Board and the committees.

Timing

7. If Council agrees with the proposal in principle, it can make revised bye-laws at its meeting in March 2013. At the same time it can approve a paper setting out the existing management structure, as enshrined in the present bye-laws, in order to preserve the status quo pending the introduction of new arrangements.
Meeting | Council
---|---
Date | 1 November 2012
Title | Hire of College Data
Classification | Unclassified

**Summary**
At its June meeting, on the recommendation of the Planning and Resources Committee (PRC), Council agreed that College data would no longer be hired to third parties with the exception of those requiring them for non-commercial purposes, specifically excluding the British Veterinary Association (BVA).

The BVA and the Veterinary Defence Society both asked for the decision to be reviewed and it was duly reconsidered by PRC and the Communications and Public Affairs Board (CPAB). Both felt that the original decision ought to be upheld.

In addition, PRC recommended that a new data hire agreement be drafted.

**Decisions required**
1. Does Council agree that its June decision ought to be upheld?
2. If so, does Council approve the draft data hire agreement?
3. Ought Officers to delegate responsibility for decisions on data hire to be made by another group?

**Attachments**
- Annex A: submission from BVA
- Annex B: submission from VDS
- Annex C: draft data hire agreement

**Author**
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Head of Communications
020 7202 0725
l.lockett@rcvs.org.uk
The hire of College data

Background

1. The issue of data hire, and whether it ought to continue, was discussed at the February 2012 meeting of the Communications and Public Affairs Board (CPAB), and again at the May meetings of the Board and of the Planning and Resources Committee (PRC).

2. The relevant minutes from the two May meetings are as follows:

Extract from CPAB minutes May 9 2012 ‘Hire of College data (AI 8)’

22 Following discussion at the February meeting about the ongoing desirability of renting College data, a more detailed paper was submitted for consideration, which included information about the provenance of the data, permissions, money raised, and the practices of other regulators (none of which hires data commercially).

23 The Coms Board was divided on the issue. The most opposing views were on the one hand that the College ought to be ashamed of hiring its data and stop immediately, and on the other that there hadn’t been a major problem with the current practice and it wasn’t worth spending a large amount of time discussing the issue. Equally, however, with data rental bringing in only a small amount of income these days (just under £25,000 in 2011) and no longer being required to support the publication of the hard copy Directory of Veterinary Practices, it was felt that it was not core College business and there was no benefit in retaining the service. One person who had used the data said that it was not as up-to-date as that from other sources and would not be used by any serious players.

24 It was felt that if a Freedom of Information request for practice data was received, pointing someone to the Find a Vet data would suffice.

25 On a vote the majority felt the practice ought to be stopped, while retaining a provision for the Trust to be able to gain access to the data of those who agree to their data being shared. The Board also felt that the data ought not to be made accessible to other veterinary organisations, although use in genuine scientific research was felt to be acceptable – with the data being made available free of charge.

Extract from PRC minutes May 10 2012 ‘Hire of College data (AI 8)’

60 The Chairman introduced the paper and informed the committee that it had been discussed at the Public Affairs and Communications Board (sic) meeting the previous day. With regard to the current practice of the College selling data, the committee members considered that the College should not sell or supply data for commercial purposes, subject to certain exceptions.

61 A discussion followed which covered points made about the provision of data for election canvassing purposes, data supplied free of charge or at cost and the provision of data to the RCVS Charitable Trust. The committee decided that data should only be sold or
supplied to the RCVS Charitable Trust or, at the discretion of Officers, to others for non-commercial purposes only. The sale or supply of data to the BVA was specifically considered and it was decided this should not continue after any current contract expires.

62. It was noted that any changes of data provision for the purposes of election canvassing would be subject to any relevant provisions in the byelaws.

3. The PRC recommendation was not discussed by Council at its June meeting but was approved on adoption of the PRC minutes. The (draft) Council minutes state:

39. In the absence of the Chairman, the Vice-President, Mrs Molyneux introduced the report and highlighted a few points. With regard to paragraph 60 and the Hire of College data, she explained that this subject had been discussed at the meetings of the Communications and Public Affairs Board as well as at PRC and that the recommendation was as noted…

Recent actions

4. The new policy has since been implemented and has prompted some unhappiness from several organisations who had previously hired the data. In particular, the College has received written appeals from the British Veterinary Association (BVA) and the Veterinary Defence Society (VDS), which can be found in annexes A and B respectively.

5. CPAB and PRC reconsidered the decision at their meetings on 10 and 11 October respectively and both felt that the original decision (ie that data should only be sold or supplied to the RCVS Charitable Trust or, at the discretion of Officers, to others for non-commercial purposes only, excluding the BVA) ought to be upheld. It is worth noting that it is not always easy to determine what constitutes ‘non-commercial purposes’.

6. The following is an extract from the CPAB minutes:

Extract from CPAB minutes 10 October 2012 ‘Hire of College data (AI 8)’

22. In discussion, the following points were made:
   a) Even non-profit organisations and charities might wish to use the data for ‘commercial purposes’
   b) The practice data had not been kept up to date other than for the Register of Practice Premises (data for which was limited) and investment would be required to make it fit for hire
   c) Hiring data was not core RCVS business
   d) There were other sources of practice data commercially available
   e) Anyone wishing to check if someone was registered could do so online
   f) The data ought still to be made available for the purposes of genuine scientific research
23. On balance, the CPAB felt that the June decision ought to remain; a view that was fed into the PRC discussion the following day.

7. The PRC report, in the Council bundle, outlines the discussion which took place at its meeting, at which it was also recommended that the June decision be upheld. PRC also recommended that a new data hire agreement be drafted – which can be found in annex C.

**Decisions required**

8. Council is invited to consider whether it wishes to reconsider its June decision, or follow the advice of CPAB and PRC and uphold it.

9. If Council wishes to maintain the June decision, it is invited to consider whether the new draft data hire agreement (annex C) is suitable for purpose.

10. The current arrangement allows for data to be made available at the Officers’ discretion. For practical purposes, Council may wish to consider whether the Officers might delegate this task to another group.
BVA APPEAL TO RCVS COUNCIL FOR USE OF THE RCVS DATABASE

Background

BVA has had an agreement with the RCVS for supply of data since 2006. This has assisted BVA in its non-member recruiting campaigns and has contributed towards over 700 new members for the Association in this time. This started off with occasional requests made by BVA for the latest RCVS data and has culminated in this year’s arrangement in which BVA is supplied with monthly updates of the RCVS member list. BVA has always paid the RCVS a standard administration fee of £60 plus VAT for each supply of data and has never shared the information with any third party. As BVA is a not-for-profit organisation, all membership revenue income derived from use of the data has been used to assist BVA in its role as representatives of the profession. As such, it is fair to say that neither party has used this relationship for commercial purposes.

RCVS Position

At the RCVS June 2012 Council meeting the Council approved the recommendation of the Planning and Resources Committee that ‘the College should not sell or supply data for commercial purposes, subject to certain exceptions.’

It was also agreed that ‘data should only be sold or supplied to the RCVS Charitable Trust or, at the discretion of Officers, to others for non-commercial purposes only.’

BVA Appeal

BVA requests that RCVS Council reconsiders its position with regards to BVA and the BVA family (divisions and affiliates) accessing the RCVS database in the interests of the profession.

Granting access to BVA and the BVA family of divisions and affiliates, all of whom are not for profit organisations, would fall within the RCVS position of not supplying data for commercial purposes. The purpose of gaining members is not a commercial exercise, no data is used by commercial companies, and it is solely for the purpose of ensuring that non members are from time to time made aware of the offerings of the professional bodies. Membership of professional bodies assists veterinary surgeons in their professional lives and in dealing with the expectations of the RCVS as laid down in the RCVS Code to Professional Conduct.

It is helpful for the RCVS and the profession more widely to have strong professional bodies so that members of the RCVS can access legal and professional support and good quality CPD.

In addition consultations coming from the RCVS where the professions view is sought, the revision of the Code to Professional Conduct and the specialisation consultation are
examples of this, the RCVS is looking for the widest possible input and this can only come through strong membership bodies.

The RCVS and BVA work together on some initiatives for the benefit of the profession and we in conjunction with VDS will shortly be running jointly badged courses for overseas graduates working or wishing to work in the UK. BVA will be unable to market these courses without access to the database of non BVA members.

**Other Statutory Bodies**

The RCVS has undertaken some desktop research on selling or sharing the data of a statutory body. Your research shows that the GDC shares the data with a small number of specific organisations and we are aware that the GMC does likewise.

**Conclusion**

In the interests of the veterinary profession and the mutual interests of the RCVS and the professional bodies, we request that the RCVS Council allows BVA and the BVA family access to the RCVS database. This would be for the sole purpose of contacting members, who have given their permission, on the benefits relating to being a member of a professional body. All the monies received by BVA and the BVA family are ploughed back into the associations for the benefit of the profession and the members we serve.

It would be unfortunate if the unintended consequences of the decision led to a situation which was unhelpful to the mutual interests of the RCVS and the supporting activities of the professional bodies.
Annex B: Submission from VDS

THE VETERINARY DEFENCE SOCIETY LIMITED

24th September 2012

Ms C McCann
Head of Finance
RCVS
Belgravia House
62-64 Horseferry Road
London
SW1P 2AF

Dear Corrie

Thank you for making contact last week regarding your decision to decline my request for a copy current RVN database – ie those who permit the release of their information.

As you know we (VDS) introduced a low cost policy for the sole purpose of providing RVNs with our support package in the event of them facing College complaints. A couple of years ago you very kindly supplied your database so that we could inform RVNs of the existence of the policy.

Although we are an insurance company and could be regarded as seeking a commercial advantage from such data, our involvement with the veterinary industry as a mutual sets us apart in that our prime objective is one of member support.

When a nurse calls us it is hugely helpful if we can find her RCVS number and address on a database on our system, check its accuracy and then allocate a unique VDS number for membership to be processed.

I had hoped to update our database via yourselves in order to include the newer qualified RVNs but have been informed that you have changed your policy on release of such data.

Given the unique relationship we have with RCVS can I ask if you might reconsider such a position?

Yours sincerely

David McKeown BVMS MRCVS
Executive Director
DRAFT
Conditions of Supply of RCVS Data

1. These data remain the copyright property of the RCVS. They are supplied for your own use only, subject to these conditions and any others that may be applied to a particular sale. They must not be copied or disclosed in any form to a third party without the written permission of the RCVS.

2. The data can only be used for the purpose outlined by you and agreed by us.

3. You agree to give the RCVS a copy of any research report that results from the use of this data, which we will treat confidentially if you request us to do so.

4. The data are believed to be accurate at the time they are supplied. However, the RCVS cannot accept responsibility for any errors or omissions, or any losses which may result from them.

5. The RCVS carries out routine monitoring of mailings received by members and practices to ensure that no unauthorised use has been made of its copyright data.

6. The recipient of the data accepts full responsibility for holding it under the terms of the Data Protection Acts.

7. The recipient of the data undertakes to ensure that the data are not used in conjunction with the College name, logo, crest or the letters ‘RCVS’ such as to imply any RCVS endorsement of or association with the organisation or activity unless this has been expressly agreed.

Gordon Hockey
Registrar
2012

I agree to the above conditions

Signature…………………………..

Print name…………………………..

Date………………………………..
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<tr>
<td><strong>Title</strong></td>
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| **Author** | Lesley Evans  
H R Manager |
APPOINTMENT OF HEAD OF LEGAL SERVICES/REGISTRAR

Background

1. Following Council's approval at the March 2012 meeting that the role of Registrar be incorporated into a new Head of Legal Services post, recruitment commenced following Council's agreement to the process at the June Meeting.

2. The Interview Panel comprised:

   Lord Trees     (Chair)
   Beverley Cotterill
   Nick Stace

3. Interviews took place on Friday, 7th September 2012.

Recommendations

4. Council is asked to ratify the unanimous recommendation of the Interview Panel and appoint GORDON HOCKEY as Head of Legal Services/Registrar with immediate effect.

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| **Author**  | Lesley Evans  
Secretary to Nominations Committee |
COMMITTEE MEMBERSHIP 2012/13

Education Committee

To approve the appointment of **ANDREA JEFFERY** to this committee

Advisory Committee

To approve the appointment of **LIZ BRANSCOMBE** as the Veterinary Nurses Council's representative to this committee.

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| **Author**  | Laura McClintock  
Advisory Solicitor  
0207 202 0763  
l.mcclintock@rcvs.org.uk |
Advisory Committee  
Minutes of the meeting held on 25 September 2012

Members: 
Mrs Clare Tapsfield-Wright - Chairman  
Mr David Catlow - Vice-Chairman  
Mr Christopher Barker  
Miss Elizabeth Branscombe - Veterinary Nurses Council Representative  
Mrs Caroline N Freedman  
Ms Catherine A Goldie  
Mr Peter Jinman  
Dr Tim Nuttall*  
Dr Bradley Viner - RCVS Treasurer  

*Absent

In attendance: 
Ms Eleanor Ferguson - Acting Head of Professional Conduct  
Ms Laura McClintock - Advisory Solicitor/Committee Secretary  
Mr Anthony Roberts - Policy Officer (present for part of meeting)

Mrs Clare Tapsfield-Wright welcomed everyone to the September 2012 Advisory Committee meeting. As it was the first meeting for some of the group, the Chairman asked the members of the Committee to introduce themselves. She thanked those members of Council and those members of the Committee who were unable to be present who had provided comments on the papers.

Apologies

1. Apologies were received from Dr Nuttall. The Chairman indicated that Dr Nuttall had provided written comments and copies were available for the Committee’s consideration and would be included in discussions.
Declarations of interest

2. There were no additional declarations of interest. The Chairman reminded Committee Members to ensure that their declarations were kept up to date.

Minutes

3. The Committee adopted the minutes of the meeting held on 10 April 2012.

Matters arising

4. The Committee noted the report on matters arising from the previous meeting:

   a) Sedation of dangerous dogs and Annex H – Medicines (Dart Guns) – The Committee noted the background to this matter including the comments made at the June meeting of RCVS Council suggesting that due to a current unavailability of Immobilon, other non-Controlled Drugs and combinations of these are being used for sedation by darting. The Committee raised a number of concerns about these matters including the supply of medicines to non veterinary surgeons; the use of medicines outside the confines of a zoo; access to and storage of veterinary medicines; means of administration; and compliance with the Veterinary Medicines Regulations. It was also suggested that veterinary surgeons involved could consider requesting a medical certificate of suitability in certain circumstances. It was explained that the previous RCVS advice on Dart Guns has not been included in the supporting guidance to the new Codes of Professional Conduct. It was highlighted that the Professional Conduct Department had received a query about the advice, suggesting that the RCVS should intervene to clarify to the profession when prescribing drugs to non professionals is legal and appropriate. It was agreed that comments should be sought from the Deer Society and the British Veterinary Zoological Society (BVZS) to inform further Committee discussions on this issue.

   b) Gangmasters Licensing Authority - The Committee noted that the RCVS has received written confirmation from the Department for Environment, Food and Rural Affairs (DEFRA) that the Gangmasters Licensing Act regime will not apply to the activities of veterinary surgeons or their employees where these are part of providing veterinary care. It was commented that this matter had arisen following a specific case concerning the distinction between veterinary and non veterinary services. The Committee noted that DEFRA and the Gangmasters Licensing Authority indicated that they would be contacting the RCVS in due course with a view to issuing a joint statement or guidance on this issue, but considered that this is overdue.

   c) Veterinary student standards of medical fitness to train – The Committee noted that this matter was considered by the Education Policy and Specialisation Committee on 9 May 2012 and that further discussion of the standards was required following
consideration by the Heads of Veterinary Schools. It was agreed this would be considered further at the Committee’s next meeting.

Microchips: Removal

5. The Chairman introduced the paper. It was explained that the advice has been extracted from Chapter 14 of the supporting guidance to the Code of Professional Conduct, with the inclusion of an additional paragraph to deal with removal of microchips following discussions at previous Advisory Committee meetings.

6. There was discussion of the importance of microchips in the identification of animals. There was general agreement that the removal of a microchip for any reason other than a clinical one is an unnecessary mutilation. There was discussion of situations when it might be appropriate to remove a microchip. It was commented that it is appropriate to remove a microchip only where it can be clinically justified, for example, to save the animal’s life. It was commented that it is not appropriate to anaesthetise an animal to remove a microchip for non clinical reasons. It was noted that local anaesthetic is used for such procedures and can be even more problematic when dealing with equines. There was also discussion of cases where an animal is found to have more than one microchip. The Committee considered that this is a difficult situation, but in these circumstances it is still unjustified to remove a microchip other than for the purposes of medical treatment.

7. There was discussion of paragraph 14.20 of the draft guidance. It was commented that the draft guidance states that a microchip should only be removed where this can be clinically justified. There was agreement that this should be amended to reflect that a microchip must only be removed where this can be clinically justified.

8. There was discussion of paragraph 4.21 of the draft guidance and the circumstances where a second microchip may be inserted. It was commented that it may be appropriate to insert a second microchip to ensure compliance with pet passport regulations. It was also commented that there have been cases where owners have not been able to return to the UK due to problems with identification of animals and microchips. Concerns were expressed that the proposed guidance implies that it is compulsory for owners to have a second microchip inserted. It was suggested that the guidance could be amended to clarify that another microchip or alternative method of identification should be used where required. It was also suggested that the guidance should be amended to reflect that where a second microchip is required, an audit trail must be maintained. It was agreed that the wording should be amended to reflect discussions and circulated to the Committee for approval. The draft amended guidance is attached as Annex A.

Action: Professional Conduct Department
9. The Chairman introduced the paper. It was noted that an ownership dispute may arise in circumstances where a client presents an animal with a microchip registered in another person’s name.

10. It was explained that current RCVS guidance is that in these circumstances veterinary surgeons may breach client confidentiality to pass the necessary information to the original owner. However, previous RCVS guidance allowed a breach of confidentiality to pass on information to the database provider only.

11. It was outlined that the Veterinary Defence Society (VDS) has questioned the current advice on the basis that it considers veterinary surgeons are precluded by data protection legislation from releasing client details without consent. It was outlined that in situations where consent is not forthcoming the VDS advice is that the matter should be reported to the database provider without revealing the whereabouts of the current owner. It will then be for the database provider to inform the original owner, who can take legal advice or inform the police (who may provide the veterinary surgeon with a Section 29 Request for Disclosure), as appropriate.

12. It was noted that there is an exemption in Section 35 of the Data Protection Act 1998, which allows information to be disclosed for the purposes of ‘establishing, exercising or defending’ legal rights. It was commented that most ownership disputes are civil matters; not criminal. It was explained that Section 29 Requests are used as part of criminal investigations and generally will not be applicable for civil matters. It was commented that the VDS advice may be suitable for situations where there is an alleged criminal offence (for example theft of the animal), but it may not apply where there is a civil ownership dispute. It was commented that the RCVS advice needs to be pragmatic and appropriate for both types of situations.

13. Concerns were expressed about the extent of involvement by the database providers. It was commented that there is a limit to what the database providers are able to do, although there is some degree of communication between the database providers and the parties in resolving such issues.

14. It was also commented that the database may contain limited information. For example, animals entering the UK from abroad may not be included on the database. It was pointed out that animals also change hands on a frequent basis and the relevant details concerning ownership may not be updated accordingly. It was commented that the National Equine Database is now defunct and that there is no ability to trace horses unless included on one of the other databases, which are primarily used for companion animals.

15. It was commented that in situations where a client presents an animal registered in another person’s name, the contractual relationship is between the veterinary surgeon and the client and there is no relationship between the veterinary surgeon and the registered owner. It was commented that the client may refuse to give consent to the release of his/her details and
therefore the veterinary surgeon is put in a difficult position. It was highlighted that the veterinary surgeon has discretion to inform the registered owner, but he/she should try to avoid becoming involved in ownership disputes or civil disagreements between the parties.

16. It was commented that there are many different types of situations involving ownership disputes that veterinary surgeons may come across in day to day practice. Concerns were expressed about issues relating to consent where there are joint owners, who have become embroiled in a dispute. It was noted that there is no firm definition of who is entitled to give consent in these cases and this can lead to difficulties. It was commented that referring to database providers will not help in these types of situations.

17. There was discussion about whether the RCVS should revert to the previous position relating to ownership disputes i.e. that veterinary surgeons may breach confidentiality to pass on information to the database provider; not the registered owner. It was suggested that this ‘mid way’ approach may be more appropriate. It was questioned whether in the absence of consent it would be more appropriate for the veterinary surgeon to inform the database provider and limit the information provided. It was commented that this could also include discretion for veterinary surgeons to inform the registered owner in certain circumstances and as appropriate. For example, under RCVS guidelines veterinary surgeons have discretion to breach client confidentiality in circumstances where they consider public interest (e.g. reporting alleged criminal activity) or animal welfare considerations override the duty to maintain confidentiality. It was commented that there may also be some cases where there is a degree of urgency to take appropriate action.

18. There was discussion about how to move forward, in particular whether (a) current RCVS guidance remains appropriate and pragmatic and veterinary surgeons may breach confidentiality to pass information to the registered owner (b) whether the RCVS should revert to the previous guidance and advise veterinary surgeons that they may breach confidentiality to pass information to the database provider, or (c) whether veterinary surgeons should pass on limited information as per the VDS position or (d) whether veterinary surgeons may inform other relevant authorities.

19. It was commented that the RCVS guidance is based on data protection legislation as well as what is considered ethical and appropriate veterinary practice.

20. It was suggested that in order to move forward the RCVS should seek written advice from the Information Commissioner’s Office (ICO), who is responsible for independent advice and guidance on Data Protection and Freedom of Information matters. There was general agreement that advice should be sought from the Information Commissioner's Office to inform future Advisory Committee discussions on this matter.

Action: Professional Conduct Department
Microchips: Routine Scanning

21. The Chairman introduced the paper, indicating that the Advisory Committee has been invited to consider reviewing the current RCVS position on routine scanning of cats and dogs for microchips.

22. A question was raised as to why the current position relates only to cats and dogs and not to other species such as tortoises, birds and horses. It was commented that the Defra consultation related to dangerous dogs, which focused heavily on proposals for the introduction of compulsory microchipping.

23. It was agreed that the RCVS position could be reviewed once the Government has formalised its position. In the meantime, there was general support for maintaining the RCVS position statement, which recommends that scanning should be carried out on stray animals brought into the surgery, or those suspected of being stolen, or in cases where the owner is not aware if the animal has been chipped.

Action: Professional Conduct Department

Specialisation Working Party

24. The Chairman introduced the paper, indicating that the Committee has been asked to approve in principle the amendments to the Code of Professional Conduct and supporting guidance following the recommendations from the Specialisation Working Party, as approved by RCVS Council. The Committee considered the report of the Working Party as well as the additional recommendations arising from Council.

25. Attention was drawn to the report of the Specialisation Working Party, Table 1 - Extract from the supporting guidance to the Code of Professional Conduct (2012) with proposed amendments, paragraph 1.6 which has been amended to say that the initial contact should be made by the arranging veterinary surgeon and the referral veterinary surgeon should be asked to arrange the appointment.

26. Particular attention was also drawn to paragraph 39 (c) of the report, which states ‘in order to raise general awareness for the framework of specialisation, the RCVS should promote veterinary specialisation and the existence of the two lists on an ongoing basis, for example through published materials, news stories, press releases, at conferences, and by social media as considered appropriate’. It was suggested that while it is appropriate to raise awareness for the new specialisation scheme, it might not be appropriate to promote one practitioner at the expense of another.

27. There was discussion of paragraph 25 of the report, which deals with the difference between a second opinion and a referral. There was agreement that neither a second opinion nor a referral
practice should seek to take over a case; however, the client should still retain freedom to change practices. The Committee noted that a member of RCVS Council highlighted that this reference has been removed from the current Code of Professional Conduct and supporting guidance. It was explained that this paragraph had been included in previous guidance, but appeared to have been omitted during the introduction of the new Code of Professional Conduct. The Committee agreed that this advice should be reintroduced when the revisions to the Code and supporting guidance arising from the Specialisation Working Party are carried out.

28. The Committee considered the recommendation from Council as to whether the terminology concerning second opinion referrals could be reviewed to better improve the public’s understanding. It was suggested that the advice could be amended to say that differences of opinion should be discussed and explained constructively to the client. It was suggested that this may help improve the public’s understanding.

29. There was discussion of recommendation 29 of the Specialisation Working Party, which suggests strengthening the wording of professional responsibility 3.5 of the Code to reflect the new terminology and lists for specialists and advanced practitioners. It was suggested that the reference to accreditation be removed. However, it was noted that this is required to reflect the new position that veterinary surgeons must not call themselves or others ‘specialists’ or similar expressions that imply specialist standing unless they have been accredited as specialists by the RCVS. It was agreed in principle that the amendments in the recommendation were appropriate subject to the word ‘and’ in the 3rd line replaced with a comma for clarity.

30. The Committee agreed in principle with the recommendations of the Specialist Working Party. There was agreement that this should be further reviewed once the mechanisms for accrediting advanced practitioners are implemented.

Euthanasia without Consent

31. The Chairman introduced the paper. The Chairman indicated that the paper invites the Committee to consider reviewing the current guidance on euthanasia without consent following comments made at RCVS Council in June 2012. It was explained that in a complaint reported to Council, the Preliminary Investigation Committee highlighted the importance allowing time for the owner to be identified before proceeding to euthanasia without consent, if this was in the interests of the animal.

32. It was confirmed that the Advisory Committee was asked to consider the RCVS guidance on euthanasia without consent and not the case considered by the Preliminary Investigation Committee.

33. There was discussion of time limits and how long a veterinary surgeon is expected to wait before proceeding to euthanasia. It was commented that veterinary surgeons should not be criticised for proceeding in those cases where there are animal welfare considerations and even more so,
where a second opinion has been sought from a colleague. The Committee indicated that it strongly supports a veterinary surgeon’s ability to act without consent of an owner and without delay in these circumstances, where there are overriding animal welfare considerations. On that basis, the Committee agreed that the current advice remains appropriate and that it does not require revision.

**Dew Claws**

34. The Chairman introduced the paper. The Chairman explained that the current paper asks the Committee to consider the RCVS guidance on the removal of dew claws, to reflect the introduction of the Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012.

35. The Chairman explained that if the Committee wishes to consider amending the substantive content of the guidance then a paper will need to be prepared and returned to the Committee at a later meeting.

36. There was discussion of the current advice and whether this should be reviewed further. It was commented that in reaching the current position expert advice had been sought from an expert anatomist. The Committee decided that the current advice was appropriate and did not require substantive revision. The Committee agreed the amendment to the guidance to reflect the new legislation in Northern Ireland.

Action: Professional Conduct Department

**Animal Behaviourism**

37. The Chairman introduced the paper, indicating that the transfer of RCVS guidance on animal behaviourism had created anomalies that needed to be corrected. It was noted that the previous advice was that animal behaviourism is restricted to veterinary surgeons only if it includes acts or the practise of veterinary surgery.

38. There was discussion of the legal restrictions on the practise of veterinary surgery as contained in the Veterinary Surgeons Act 1966. It was suggested that animal behaviourists should be encouraged to work within the law. There was general discussion of behavioural disorders and that if a lay person diagnoses diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes, this is a breach of the Veterinary Surgeons Act 1966. There was also discussion of other forms or aspects of complementary therapy that under the Veterinary Surgeons Act must be carried out by veterinary surgeons.

39. It was suggested that the current guidance could be simplified and amended to reflect that all forms of complementary therapy that involve acts or the practise of veterinary surgery must be undertaken by a veterinary surgeon, subject to any exemption in the Act. There was discussion of whether the advice should include examples of complementary therapy. There was general...
agreement that the advice should be as broad as possible and that reference to specific types of complementary therapy may suggest that the RCVS is endorsing some therapies over others.

**Action: Professional Conduct Department**

**Feline Renal Transplantation**

40. The Chairman introduced the paper, inviting the Committee to consider reviewing the RCVS position on feline renal transplants as contained at Chapter 27 of the supporting guidance to the Code of Professional Conduct.

41. Mr Jinman, outlined briefly the history recalling the debate that took place which focused on the source (or donor) animal.

42. The Committee considered the arguments set out in the paper in favour of a fuller review. It was commented that the guidance has been in force for almost 10 years and it is relevant that the RCVS has not received an application in that time. On that basis, it was suggested that there may be an argument for a review of the current guidance.

43. Conversely, it was commented that there does not appear to be a specific or clear driver for change at this current time. It was highlighted that there is no new evidence to warrant a review of the guidelines. It was commented that this may change if there were relevant clinical advancements or if the RCVS began to receive significant numbers of applications from transplant centres. It was suggested that the current advice is sensible and appropriate and that the strict guidelines are aimed at safeguarding the position of source and recipient animals involved in transplantation procedures.

44. Regarding the arguments about the consistency of the RCVS on ethical matters, it was commented that transplantation procedures could only be carried out with a view to saving the life of an animal and on that basis, it is not appropriate to compare transplantation procedures with other non-life threatening procedures such as the insertion of prosthetic testicles.

45. It was noted that a review would have a significant implication in terms of RCVS resources.

46. Overall, and taking into account the arguments identified in the paper, the Committee decided that it is not appropriate to review the guidelines further at the current time.
Euthanasia at Sporting Events

47. The Chairman introduced the paper, inviting the Committee to consider and approve draft amendments to Chapter 8 of the supporting guidance to the Code of Professional Conduct dealing with euthanasia at sporting events and destruction of injured horses.

48. There was discussion of the guidance in relation to the general advice on euthanasia without consent, set out at Chapter 8 of the current supporting guidance, which had been discussed earlier in the meeting. It was noted that the proposed amendment is in relation to updated British Horseracing Authority, Rules of Racing, which are referred to in the supporting guidance.

49. The Committee approved the draft amendment to Chapter 8 of the supporting guidance to reflect the updates to the British Horseracing Authority, Rules of Racing.

Action: Professional Conduct Department

RCVS General Administration Bye-Laws

50. The Chairman introduced the paper and explained that the paper proposes amendment of the General Administration Bye-Laws 2009 so that they no longer lay down the constitution and terms of reference of RCVS Committees. It was explained that the amendments are also seeking to address anomalies in the current bye-laws and that there will be feedback of any comments to Council from the Advisory Committee.

51. There was agreement that it is sensible to facilitate change in preparation for the new Legislative Reform Order. The Committee had no specific comments relating to the proposals set out in the paper.

Stem Cell Therapy (Confidential Paper, Unclassified Minutes)

52. The Chairman introduced the paper, inviting the Committee to consider the use of adipose derived stem cells for the treatment of canine arthritis and to decide whether this falls within ‘recognised veterinary practice’ in terms of the Animals (Scientific Procedures) Act 1986.

53. Concerns were expressed that the RCVS might in effect endorse the proposals with any decision made.

54. The Committee noted that the Home Office has confirmed that the therapy is not considered experimental and that a licence under the Animals (Scientific Procedures) Act 1986 is not required. It was also highlighted that the Veterinary Medicines Directorate has confirmed that it does not intend to regulate the kit, at least at this time. It was commented that there is no veterinary equivalent to the Medical Devices Authority.
55. It was commented that the RCVS response to the company dated 28 April 2011 was appropriate and addressed the relevant issues under consideration.

56. It was commented that the key questions are (a) whether this constitutes the practise of veterinary surgery and (b) if so, whether this is experimental or recognised veterinary practice? It was noted that the matter has been considered by the RCVS Recognised Veterinary Practice Sub Committee, which did not reach agreement on the second issue.

57. There was discussion of the procedure and what is involved. It was commented that there are examples of the injection of tissue into joints. It was commented that there may be a range of opinion on the efficacy of ‘recognised veterinary practice’. There was agreement that individual veterinary surgeons must use their own professional judgement to decide whether the procedure is efficacious.

58. The Committee indicated that it is not challenging whether the specific treatment under consideration is ‘recognised veterinary practice’; however, the Committee indicated that it has made no decision on its efficacy.

Matters for report

59. The Committee considered the following matters for report:

a. Advisory Report
   The Committee noted the report. It was suggested that there is a view in the profession that the advice from the RCVS could be more detailed. It was explained that the RCVS may only give advice in the context of professional conduct and may not provide independent legal advice. It was commented that as professionals, veterinary surgeons need to exercise a degree of professional judgement and that the Code is principles-based.

b. Disciplinary Committee Report
   The Committee noted the report.

c. Practice Standards Group Report
   The Committee noted the Report. There was discussion of a recent advertisement which referred to comments made by a Practice Standards Scheme Inspector concerning the standards of a practice. It was explained that practices undergoing inspections will be provided with a copy of their inspection report, which includes comments made by the Inspector. It was commented that the quote referred to in the advertisement may have been extracted from an inspection report. It was commented that there is an argument that it could be misleading for practices to use quotes by Practice Standards Scheme Inspectors if taken out of context. It was agreed that this matter should be referred to the Practice Standards Group for further consideration.
There was discussion of the suggestion that the number of spot inspections will increase. It was asked whether there was any specific evidence to warrant such an increase, and if this would add to the costs of the scheme. It was explained that there had been discussion of increasing spot inspections and reducing the number of routine inspections. It was explained that this had arisen from discussions about practices which had failed to comply with recommendations and how monitoring could be improved.

There was discussion of the report of meetings with Animal Veterinary Health and Laboratories Agency (AVHLA). Concerns were expressed about the fairness of potentially excluding non-PSS practices from certain types of work. It was explained that this is a Government proposal, not an RCVS proposal. It was commented that the government has requested information about the PSS and how practices meet the required standards, and the reassurance this could provide to the Minister.

There was discussion of different approaches to the PSS standards. It was commented that the concept of some accreditation schemes is to reward those who meet key indicators/requirements. It was commented that such schemes have less of a ‘tick box’ approach. It was commented that a positive aspect of this type of approach in the PSS is that practices could concentrate on general improvements to practice and improve within a certain band/range. It was suggested this could result in a more worthwhile experience for practices. It was pointed out that the standards are set by the Practice Standards Group; not the RCVS. This means that many different veterinary organisations are involved in the decision-making process. It was explained that the comments of the Advisory Committee will be taken on board by the group, which is currently looking at different approaches to the standards.

**Action: Professional Conduct Department**

d. **RCVS / BVA Riding Establishments Committee**
   
The Committee noted the report from the Chairman of the Riding Establishments Sub Committee, Dr Bertie Ellis and agreed that a letter of thanks should be sent to Dr Ellis.

   **Action: Professional Conduct Department**

**Confidential and / or private items**

**Confidential matters for report**

60. The Committee considered the following confidential matters for report:

   a. **Certification Sub-Committee**

   Mr Jinman reported that, in certain circumstance, technological advancements have led to veterinary surgeons being asked to certify on the basis of CCTV footage. He indicated this
was under consideration by the Certification subcommittee and the issue will be referred to the Advisory Committee in due course.

b. Recognised Veterinary Practice Sub-Committee
The Committee noted the report.

Any other business

61. There was no other business.

Date of next meeting

62. Tuesday 29 January 2013 at 10.30am

Laura McClintock
Advisory Solicitor and Secretary to the Advisory Committee
October 2012
l.mcclintock@rcvs.org.uk
Draft Amendments to Supporting Guidance Chapter 14

Using microchips to help reunite animals with their owners

14.15 Microchips are implanted in companion animals to assist with their return if lost or stolen and veterinary surgeons are frequently the first point of contact for those owners whose animals are missing.

14.16 A microchip may be scanned in circumstances where, for example, the animal has been lost or is a stray, is suspected that the animal has been stolen, or where a client is unaware that the animal has been microchipped; veterinary surgeons are encouraged to take appropriate steps to reunite the animal with the owner.

14.17 If it is suspected that the animal is stolen, veterinary surgeons or the owner may involve the police.

Ownership disputes

14.18 An ownership dispute may arise where a client presents an animal with a microchip registered in another person’s name.

14.19 If a client declines to consent to the release of his or her name and contact details, a veterinary surgeon may breach client confidentiality to pass the necessary information to the original owner.

Removing microchips

14.20 Because of the importance attached to the accurate identification of animals and the potential for fraud, a microchip must only be removed where this can be clinically justified. This justification should be documented and where required another microchip or alternative method of identification used.

14.21 Removal of a microchip in any other circumstances would be an unnecessary mutilation. While the insertion of a second microchip may be problematic, this in itself does not justify removal of a microchip and an audit trail must be maintained it is possible to maintain an audit trail.
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<th>Meeting</th>
<th>Veterinary Nurses Legislation Working Party</th>
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<tr>
<td>Date</td>
<td>18 October 2012</td>
</tr>
<tr>
<td>Title</td>
<td>A proposal for the regulation of veterinary nurses and the protection of title.</td>
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<tr>
<td>Classification</td>
<td>Unclassified</td>
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<tr>
<td>Summary</td>
<td>This paper proposes an alternative route towards the statutory protection of the title 'veterinary nurse' and the regulation of the profession.</td>
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<tr>
<td>Decisions required</td>
<td>To consider supporting the proposal with a view to formally presenting it to Defra officials in early 2013.</td>
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<tr>
<td>Attachments</td>
<td>None</td>
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<td>Authors</td>
<td>Anthony Roberts</td>
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<td></td>
<td>Policy and Public Affairs Officer</td>
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<td><a href="mailto:a.roberts@rcvs.org.uk">a.roberts@rcvs.org.uk</a></td>
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Background

1. In the first meeting of the VN LWP, in September 2011, there was unanimous agreement that the WP should seek to develop proposals for a statutory regulatory regime, to protect the title ‘veterinary nurse’, which would operate within the existing frameworks of the RCVS and the VN Council.

2. The WP did not seek statutory protection of the role and activities of VNs because it would have been highly unlikely to succeed; it would not have been in keeping with the modern approach to the regulation of professions, which focuses on the protection of titles.

3. The WP strongly supported the regulation of VNs by the RCVS because of the close working relationship between veterinary nurses and veterinary surgeons. This should also promote consistent standards, provide a single portal for complainants and make it possible to minimise costs by sharing common services.

4. The WP noted that the framework for the regulation of VNs under the RCVS had already taken considerable steps forward in recent years, with the introduction of the Register and the Code of Professional Conduct, and the contractual agreement that RVNs make to be accountable for their professional practice. It therefore made practical sense for any new arrangements to grow out of what is already in place.

5. At the May 2012 meeting of VN Council, the VN LWP presented an Interim Report in which it outlined its proposals and asked VN Council to approve a statement of its intentions. Following this meeting a decision was taken that the RCVS should internally look at the details of the proposals and the associated costings, and to call a meeting of the VN LWP once the outline of a final report had been formulated.

6. In a meeting of RCVS staff together with the Chairmen of the VN Council and the VN LWP, held on the morning of the 9 October 2012 meeting of VN Council, it became clear that there were a number of obstacles to progressing the proposals set-out in the Interim Report, that had the potential to delay or derail the process of achieving statutory protection of title and regulation of the veterinary nursing profession. During the course of the meeting, however, a new idea emerged as to how to progress.

7. In order to avoid further delays a decision was taken to present the new idea to the October VN Council in closed session. Following this presentation VN Council requested that a meeting of the VN LWP should be called so that the WP could look at the proposal, with a view to a report going to RCVS Council in November (with the VN Council minutes). If the idea was deemed appropriate this would then allow the College to make proposals to Defra sooner than expected and potentially to make the February 2013 round of bidding should a Handout Bill be required.

8. This paper provides an outline of the current difficulties facing the realisation of a statutory regime for the regulation of veterinary nurses and presents the new proposal for a more streamlined approach to achieving the statutory protection of the title veterinary nurse and the regulation of the profession.
Current problem

9. Diagram A (below) outlines the current regime governing veterinary nurses. Schedule 3 to the Veterinary Surgeons Act makes reference to the List of veterinary nurses held by the College. The College maintains the List and the Register through bye-laws that are made under the powers afforded to the College by the Charter. The current disciplinary mechanisms are made through a contract between the College and VNJs joining the Register.

10. The problems with the current system are that the legislation offers no protection of the title veterinary nurse and the College has no power to prevent a veterinary nurse found guilty of professional misconduct from carrying out Schedule 3 activities or to remove their name from the List.

Diagram A:

Proposal in VN LWP Interim Report

11. The VN LWP proposed a regime whereby the title ‘veterinary nurse’ would be protected in legislation and a statutory system of regulation would be introduced that would allow the College to take appropriate action against those veterinary nurses found guilty of misconduct.

12. The VN LWP Interim Report did not go into detail regarding the legislative route that should be taken to achieve such a regime, other than to suggest that any legislation should be narrowly focused on the regulation of veterinary nurses and should designed in such a way so as to minimise the risk of any Bill being hijacked for the purposes of regulating veterinary paraprofessionals or making wider or unexpected changes to the Veterinary Surgeons Act (VSA).

13. Discussions with Defra officials at the time indicated that they thought a Handout Bill would be the most appropriate way to take the issue forward, given the constraints on Parliamentary time.

14. A Handout Bill is a Private Member’s Bill which has the support and backing of the Government. Handout Bills provide a useful tool for passing straightforward and uncontroversial Bills into law,
without the need to go through the long process of bidding for highly contested Parliamentary time.

15. If a Handout Bill were to be used, due to the constraints on their length (usually they must be no more than 12 clauses long) it would likely have to be enabling legislation. Thus the Bill, for example, might give Her Majesty the powers to make provisions for the regulation of the profession of veterinary nursing. The substance of the legislation to regulate veterinary nurses would not go in the Bill itself; instead Secondary Legislation would be made under the powers provided by the enabling Primary Legislation, which would set-out the details of the regulatory framework.

16. Diagram B provides an outline of what such legislation could look like:

Diagram B:

Issues and obstacles
17. The primary concern relating to the proposals for the statutory regulation of veterinary nurses was that legislation for this purpose would require the VSA to be amended to allow VNs to be regulated by the College and this could present a risk that the door would be opened for further amendments to the Act or for other paraprofessional groups to be regulated under the RCVS. The RCVS considered that such risks may have been overstated as it would be possible to adopt an approach that limited the risks of any Bill being hijacked as it went through the parliamentary processes. Nevertheless, an enabling Bill such as that being proposed would provide wide-reaching powers to amend the VSA via Statutory Instruments for the purpose of the regulation of VNs.

18. If a Handout Bill were used for the purpose of regulating VNs then Defra advised that this would probably need to go through the Parliamentary processes as a single package that incorporated the necessary secondary legislation. This would require a significant amount of legal drafting work and potentially a complex consultation process.
19. Furthermore, developing such secondary legislation would require the RCVS to address a number of difficult policy issues and for VNAs potentially to make a number of compromises in the way they were regulated. One difficult issue related to VNs should have formal representation on RCVS Council and how this could be achieved A second was whether VNs might accept a situation where they shared the post-Legislative Reform Order (LRO) Disciplinary and Preliminary Investigation Committees, but to accepting a degree of compromise in doing so. Such compromise would be required as it appeared to be difficult to find a way to formalise VN membership of these Committees in legislation. Addressing such complex issues and developing the necessary legislation to amend the VSA would be a lengthy and possibly controversial process that would risk significantly delaying the introduction of legislation.

20. A Handout Bill simply to protect the title ‘veterinary nurse’, and to allow the College to strike nurses off the List who have been found guilty of professional misconduct, would likely be well supported in Parliament and could be appealing for an MP to pick up and take forward. An enabling Bill, however, that was accompanied by a raft of complex and potentially controversial secondary legislation may not be appropriate for the Handout Bill route and it may have proved difficult to persuade an MP to take on such a proposition.

Proposed solution
21. In considering the issue of the regulation of VNs, it became clear that there was unanimous support for the statutory protection of the title ‘veterinary nurse’ and for the introduction of a robust regulatory regime that would allow the College to take action against veterinary nurses found guilty of professional misconduct and to prevent them from undertaking Schedule 3 activities. The issues that potentially presented obstacles to achieving this related to possible amendment of other parts of the VSA.

22. A proposal was therefore made that legislation could be introduced that protected the title and replaced references to the List with references to the Register, but instead of seeking to set out the mechanisms of the regulatory regime in legislation, the legislation could refer to the ability of the College to regulate VNs through mechanisms that were set out in VN bye-laws under the RCVS Charter (see Diagram C).

23. Under such proposals the List would effectively be replaced by the Register and the disciplinary processes to which RVNs currently make a contractual agreement to be subject when they join the Register, would have their status changed and would become part of the VN bye-laws. This would allow the College to regulate veterinary nurses on a similar footing to a statutory system and would permit the College to strike VNs found guilty of professional misconduct off the Register and prevent them from undertaking Schedule 3 activities or holding themselves out to be a veterinary nurse.

Diagram C:
24. The proposal would make use of the disciplinary arrangements for VNs that are currently in place, and therefore, be cost neutral, but would improve the status of these arrangements and ensure that the RCVS could take meaningful action where necessary. As the VN profession continued to progress the College would also have the ability to amend these regulatory mechanisms without the need to go back to Government to request legislative changes via Statutory Instruments.

25. The primary advantage of this approach would be that it would require very little new legislation and would provide the absolute minimum in terms of amendments to the VSA. This should make the proposal more appealing to MPs to pick up and take forward as a Handout Bill. Furthermore, it would allow the College to address the biggest deficits of the current situation, without having to address more controversial issues at this stage or to require VNs to make compromises in terms of how their profession would be regulated going forward.

26. Conversely, it could be argued that the proposed solution does not provide VNs with a true system of statutory regulation, but it is hard to see what advantages, if any, could be gained from outlining the details of the regulatory mechanisms in Secondary Legislation as opposed to in bye-laws made under the College Charter.

27. In a further streamlining of the proposal, the College is also investigating whether it might be possible to protect the title veterinary nurse in statute, refer to the Register and introduce a regulatory regime for veterinary nurses using Secondary Legislation that could be introduced using the powers currently afforded to the Minister by Section 19(5) of the Act. This would potentially allow a regulatory framework to be introduced even more quickly and without the need to bid for Parliamentary time or a Handout Bill.

Next Steps
28. The new proposal appears to be supported by the opinion of Leading Counsel that was sought in 2010 on how the College might provide a surer foundation to the regulation of veterinary nurses. However, the College is seeking further clarification from Leading Counsel, particularly whether such a regulatory regime might be enacted using secondary legislation.

Assuming that the legal opinion on the viability of this route proves to be favourable and the RCVS Council and the VN LWP support taking the proposal forward, the next step (after RCVS Council) will be for the College to present the proposals to Defra Officials, who would then assess them with their in-house legal team and decide whether it would be appropriate to present them to the Minister.

[The VN LWP considered the above proposal at a meeting held on 18 October 2012 and was supportive. The WP noted, however that it was important that this did not represent the end point in terms of the College considering the development of the veterinary nursing profession.

On 19 October, RCVS staff met with Leading Counsel to seek his opinion on the proposals. Counsel was broadly supportive of the proposals, but advised that a Handout Bill would be required to implement them, as the use of Section 19(5) powers could be subject to challenge. Furthermore, Counsel advised that rather than setting out the mechanisms for the regulation of veterinary nurses in bye-laws written under the Charter, the legislation should give the College the power to set out the mechanisms under Rules. Thus the mechanisms for regulating VNs would be established in the same way that the Disciplinary Committee Rules are currently, and Privy Council would provide the necessary approval mechanism for changing the rules.]
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<tr>
<th>Meeting</th>
<th>Council</th>
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<tr>
<td>Date</td>
<td>1 November 2012</td>
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<tr>
<td>Title</td>
<td>Education Policy and Specialisation report</td>
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<tr>
<td>Classification</td>
<td>Unclassified</td>
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<tr>
<td>Summary</td>
<td>The minutes of the meeting of Education Policy and Specialisation Committee held on 10 October 2012 are attached.</td>
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<tr>
<td>Decisions required</td>
<td>Council is asked to endorse the decision at paragraph 52 to award the Diploma of Fellowship to Mr Michael James Guilliard.</td>
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<tr>
<td>Attachments</td>
<td>Author Anne Jermey Committee Secretary 020 7202 0705 <a href="mailto:education@rcvs.org.uk">education@rcvs.org.uk</a></td>
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Education Policy and Specialisation Committee
Minutes of the meeting held on 10 October 2012

Present:

- Professor David Argyle
- Ms Amanda Boag - EMS Coordinators Liaison Group Chairman
- Professor Ewan R Cameron
- Professor Susan Dawson
- Professor Gary CW England - Fellowship Working Party Chairman
- Professor Michael E Herttage - Certificates & Diplomas Sub-Committee Chairman
- Mrs Andrea K Jeffery*
- Professor Duncan J Maskell* - Research Sub Committee Chairman
- Mr Robert (Bob) D Partridge
- Professor Joanna (Jo) S Price - Vice Chairman
- Professor Stuart WJ Reid
- Professor The Lord Trees
- Mr Chris W Tufnell - Chairman
- Dr Lydia A Brown - Fellowship Sub-Committee Chairman
- Mr David F Catlow - Day One Competences WP Chairman
- Mrs Lynne V Hill - PQSC Chairman
- Professor Stephen A May - Advanced Practitioner WP Chairman
- Col David White - CertAVP Sub-Committee Chairman
- Dr Jerry V Davies
- Mrs Jacqui R Molyneux - President
- Dr Bradley P Viner - Treasurer

In attendance:

- Mr Gordon Hockey - Acting Registrar
- Mr Nick Stace - CEO
- Mrs Freda M Andrews - Head of Education
- Mr Duncan Ash - Education Officer
- Ms Clare Boulton - Librarian
- Mrs Britta Crawford - Education Officer
- Miss Janet R Etheridge - Specialisation Manager
- Mr Jeff Gill - Policy Consultant
- Miss Anne L Jermey - Committee Secretary

* Absent

Apologies

1. Apologies for absence were received from Mrs Andrea Jeffery and Professor Duncan Maskell.
Welcome

2. The Chairman welcomed new members Ms Amanda Boag, who was also the new Chairman of the EMS Co-ordinators Liaison Group, and Mrs Andrea Jeffery who had sent her apologies for today’s meeting. Mr Bob Partridge was welcomed back onto the Committee. Col David White was welcomed to his first EPSC meeting as the new Chairman of the CertAVP Sub-Committee and a welcome was extended to the new CEO, Mr Nick Stace.

Declarations of interest

3. Mr Bob Partridge declared that he was a Diplomate of the European College of Veterinary Dentistry.

Minutes

4. The minutes of the meeting held on 9 May 2012 were received and noted.

Matters arising

9 February 2011 EPSC report, paragraph 21: James Cook University VSAAC Visit Report

5. In February 2011, EPSC agreed to recommend recognition of the BVSc degree awarded by James Cook University (JCU) and Council endorsed their recommendation in March 2011 but the date from which recognition started was not recorded. This resulted in Registration Sub-Committee considering a case for registration from an applicant who graduated from JCU in December 2010 prior to the date of RCVS Council decision. EPSC was asked to note that a paper for PRC would clarify the position and record that RCVS recognition of the degree is from December 2010.

General Administration bye-laws

6. The Committee received a paper that proposed that the General Administrative Bye-laws 2009 should be amended so that they no longer lay down the constitution and terms of reference of RCVS committees and cease to set out the roles and delegated powers of the Officers.

7. In response to concern about the length of time required to change RCVS bye-laws, the Registrar confirmed that the process could be completed more quickly if the College chose to do so.

8. EPSC was content to recommend the changes to Council, subject to the document being checked for out-of-date use of the terms ‘junior’ or ‘senior’ in relation to vice-presidents.
Council and Committees

9. The Committee received a paper that considered what responsibilities Council might delegate to the proposed Board.

10. Members were broadly in support of the concept of a Board being responsible for the day-to-day management of the College. However, concerns were expressed about the composition of the group and how members would be selected.

11. Currently Council approves committee chairman on the recommendation of Nominations Committee. One member suggested that committees should select their own chairman and that selection should be based on their skills and abilities. Others countered that skills were taken into account when selecting chairmen and that Nominations Committee was well placed to identify suitable people.

12. The Chairman reminded the meeting that the proposed delegations to the Board as set out in Annex C was the matter under consideration.

13. The inclusion of the term of reference to ‘oversee a regular risk assessment and internal audit reviews’ was queried in view of the establishment of the new Audit and Risk Committee. It was proposed to give the Board responsibility for approving rates of travelling and subsistence expenses and recompense for loss of earnings. This was queried as the Board members were likely to be amongst those who are entitled to claim the most. The importance of being able to demonstrate a fair system was emphasised. The Registrar thanked the Committee for their comments. Nominations Committee would be reviewed and the respective roles of Audit and Risk Committee and the Board would be looked at again.

14. In response to a recommendation that the Board should produce an operating plan, Mr Nick Stace reported that he would be looking to develop a longer term strategic plan with an annual business plan including a budget. It would be for Council to delegate implementation of the plan to the Board. The Board would propose a budget to Council for discussion and approval.

15. Noting that the possible terms of reference included matters which the Board would report to Council and other matters on which it would report as it thought fit, a member expressed the view that the Board should report all decisions to Council. Mr Stace disagreed and said that Council should not micro-manage and double decision-making needed to be avoided. Council had to be comfortable that the Board was responsible for day-to-day matters without requiring a blow-by-blow account of every Board discussion.

Implementing the recommendations of the Specialisation Working Party

16. The Committee received a paper prepared by the Head of Education summarising the various actions required to implement the recommendations of the Specialisation Working Party which
had been approved by Council in June.

17. In particular, the proposals included the establishment of two new working parties to propose criteria and procedures to implement the new Advanced Practitioner (middle tier) status and to propose ways to widen the scope of the Diploma of Fellowship.

**Advanced Practitioner Working Party**

18. Professor Stephen May had been invited to chair this new working party. In receiving the paper, attention was drawn to paragraph 6 relating to the terms of reference and membership, proposing that ‘the working party should consist of not more than 6 people’ and that members ‘should themselves be qualified at least at Certificate level’. After some discussion, it was agreed that this was appropriate.

19. The Committee agreed to the proposals for membership in principle and agreed that the details would be taken forward by the Chairmen of the EPSC and the AVP Working Party outside the meeting.

20. The question was raised as to how the proposals would relate to the proposed ‘European Acknowledged Practitioner’ status. It was confirmed that this title had not been adopted by the European body developing the concept (the Veterinary Continuing Education in Europe Committee - VetCEE) and that the titles applicable in the various countries would remain. The process of aligning and accrediting different countries continuing education qualifications and courses was proving to be complex and it was hoped that the UK could produce a model which might be applicable more widely across Europe.

21. It was suggested that it might be appropriate to invite input from a European representative, maybe to attend with observer status, to inform the discussions of the new AVP Working Party.

22. The Committee agreed to the proposals and for work to commence.

**Action: Secretary of Working Party**

**Fellowship Working Party**

23. Professor Gary England had been invited to chair this new working party. The Committee approved the terms of reference for the working party to widen the scope of the Diploma of Fellowship and for the membership to be settled outside the meeting between the working party’s chairman and the chairman of EPSC.

**Action: Secretary of Working Party**

24. It was agreed that both working parties should be asked to report back to EPSC within a year.

25. It was noted that there were several other projects e.g. removal of post-nominals from the Register of Members, which could not be implemented until the working parties had completed their tasks.
26. These projects would form part of the College’s Operational Plan.

27. The Committee agreed to the proposals and for work to commence.

**Primary Qualifications Sub-Committee – update on membership and work**

28. Mrs Lynne Hill was introduced as the new Chair of the Primary Qualifications Sub-Committee. Mr Chris Tufnell had previously approved the membership as Chair of EPSC and the committee approved the decision.

29. Mrs Hill reported that PQSC was due to meet on 11 December and stated that it was important that the sub-committee acted in a formal and professional way.

30. It was explained that she intended to revise the current list of visitors and establish a group of ‘core’ visitors to ensure consistency between visits and re-visits. The committee would also consider how new visitors were initiated, for example by serving first as observers before they obtained the full visitor status.

31. The committee would also need to consider how RCVS’s accreditation criteria related to EAEVE\(^1\), AVMA\(^2\) and AVBC\(^3\) and decide whether the RCVS should continue to operate similarly or look to change.

32. Professor Ewan Cameron raised a point regarding the UK veterinary schools current accreditation, and whether the focus of the criteria should be on outcomes or on process and inputs. Mrs Hill agreed that it was also something that the committee could consider.

33. Mrs Hill also reported that the recent visit to the University of Sydney would be discussed in the upcoming meeting of PQSC.

34. It was also confirmed that Mrs Hill had been appointed as the RCVS Observer for the visit to the University of Adelaide in 2013.

**Review of Day One Competences**

35. Mr David Catlow would chair this new working party. He said that the competences had been introduced 10 years ago and it was timely to review them to see if they were still fit for purpose. He hoped that the review would be a light-touch review, although it could potentially open up a number of issues for debate. However, he felt it was important to emphasize that the review was about taking the competences forward for the future and not about their existence.

36. He proposed an initial consultation with the profession in the UK using existing channels of communication. In particular BVA had indicated willingness to collate responses to feed into the

\(^1\) The European Association of Establishments for Veterinary Education  
\(^2\) American Veterinary Medical Association  
\(^3\) Australasian Veterinary Boards Council
working party. In response to a comment that RCVS should carry out this consultation, Mr Catlow said that wider consultation would take place too and no one would be prevented from commenting because they were not a member of BVA. It was noted that for RCVS to carry out the consultation itself would add a considerable amount of work to an already busy workload, using the BVA’s existing lines of communication would be a very cost effective way of proceeding.

37. Initial consultation through BVA channels would achieve some external input at an early stage and more formal RCVS-led consultation could be carried out later if necessary. The proposals were a practical realistic way of getting the work started.

38. He asked the Committee to endorse the proposed way forward.

39. Professor Stephen May said that the competences were generic and allowed the schools to interpret and choose how to demonstrate evidence of competence. It was important to respect the nature of the competences and their relationship with skills lists in schools and to avoid the RCVS competences becoming an extensive and prescriptive list of individual skills. In this respect, it was important to make a clear distinction between the skills listed in the experience log, agreed by the schools, which had been approved by the Committee last February, and the overarching Day One Competences. The experience log was designed to enable students to record a wide range of skills, not just those which might be deemed to be “Day One” skills, and not all students would complete every task. Such skills lists, aimed at guiding individual student learning, should not feature in the statement of Day One Competences.

40. Mr Catlow agreed to include a new graduate on the working party. It was also noted that the working group’s remit should take account of reviews of competences in Europe and elsewhere and that the group would communicate with our overseas colleagues.

41. The Head of Education confirmed that it would be sensible to review the year one competences once the review of the day one competences was completed.

42. EPSC approved the remit and proposed membership.

Professional Development Record – project update and PDP

43. The Committee noted the paper summarising the ongoing Professional Development Record project.

44. Turning to the statistics on the take-up and completion rates for the Professional Development Phase (PDP), it was noted that there were many reasons why not all new graduates activated their PDP accounts. Some moved abroad or were not working in posts where PDP was appropriate (e.g. some internships and research posts). Some were not receiving adequate support from their employers. Until 2012, PDP had not been compulsory under the Guide to Professional Conduct and there were therefore few sanctions that could be applied to these earlier cohorts. This had recently changed with the introduction of the 2012 Code of Professional Conduct. Given that PDP had not been compulsory under the old Guide, a take up of more than
90% was very positive, although more now needed to be done to encourage new graduates to complete PDP.

45. Employer support for new graduates was essential for effective completion of PDP and it was regrettable that some employers still did not give their new graduate employees the necessary support and guidance to ease their transition into practice. It was noted that compliance with PDP requirements was a feature in RCVS Practice Standards inspections.

46. It was reported that the Education Department and the Postgraduate Deans applied a staged protocol to chase up those who had not completed PDP and reminder letters from the Registrar were sent to those who had given no acceptable reason for non-compliance. It was disappointing to note that a small number of these did not receive a reply and it was suggested that this could become a matter of professional conduct. Not only was failure to comply with PDP requirements now a matter of professional conduct, but so was the failure to respond to the College without a reasonable explanation.

47. Various suggestions were made as to how take-up and completion of PDP could be further improved, including further strengthening the wording in the chase-up letters to emphasise that this was a serious matter of professional conduct, and requesting copies of other CPD records for those who had not complied.

48. There was also a need to monitor the take-up of PDP by new graduates from overseas who would not have had the same pre-graduation briefings about the system as UK graduates.

49. The paper also referred to the need in the near future to consider whether and how CPD records more generally should be sampled, and what the follow-up should be for those found not to be complying with CPD (including PDP) requirements under the Code following its introduction in 2012. It was agreed that a paper should be brought to a future meeting of the Committee to propose an action plan for sampling CPD, chasing up non-completers and possible sanctions.

RCVS Certificate and Diploma examinations 2012

50. The Committee received and noted a paper summarising the results of the 2012 RCVS Certificate and Diploma examinations. It was noted that this was the last year in which the old style Certificates would be examined. It was also the last year in which enrolments would be permitted for the RCVS Diplomas.

51. The Chairman reported that a very successful examiner training day had been held which had enabled the examinations to run more smoothly. He added that, overall, the results had been good.

Fellowship Sub-Committee

52. A recommendation was received from the Fellowship Sub Committee to award the Diploma of Fellowship, subject to minor amendments being made before it is placed in the RCVS Library, to
Candidate No. T/736 – Mr. Michael James Guilliard MA VetMB CertSAO MRCVS for his thesis entitled:

‘The nature, incidence and response to treatment of injuries to the distal limbs in the racing Greyhound’

53. The minutes of the meeting of the Fellowship Sub-Committee held on 21 August 2012 were received. It was noted that there had been a number of inappropriate submissions received for provisional registration in recent years and agreed that consideration should be given to reviewing the bye-laws and information pack in order to reduce the incidence. It was agreed that this matter would be taken up by the new Fellowship Working Party.

Action: Secretary of the sub-committee

Research Sub-Committee report of meeting held on 3 July 2012

54. Draft minutes of the Research Sub-Committee meeting held on 3 July 2012 were received and noted. The Committee also noted that the Chairman, Professor Duncan Maskell, had sent his apologies for this meeting.

55. The Registrar undertook to correct some inaccuracies in the final version of the minutes.

56. It was noted that Officers had received a draft paper on evidence-based medicine and that this would be discussed at the Communications Board meeting which was meeting after this meeting.

57. The Committee asked that Officers should look at repositioning the Research Sub-Committee to connect more to the core activities of the College to ensure that it fulfilled its remit of advancing the quality of veterinary practice.

58. It was also suggested that the title ‘scientific’ described its role better than ‘research’.

59. The Chairman suggested that a paper should be brought to the next meeting of EPSC.

CertAVP Sub-Committee report of meeting held on 15 June 2012

60. The chairman introduced Colonel David White as the new chairman of the CertAVP Sub-committee. Col White thanked Professor Stephen May, the out-going Chairman, for his long term dedication to the CertAVP. Col White drew the committee’s attention to the planned meeting of representatives from the universities who are accredited to assess CertAVP modules with the CertAVP sub-committee in November.

61. The chairman thanked Dr Jill Maddison from the RVC for her letter to the Veterinary Times. The CertAVP had received some ill-informed criticism from those who do not fully understand the
process and this letter may go some way to correct those views.

62. The minutes of the CertAVP Sub-Committee meeting held on 15 June 2012 were received and noted.

Heads of Veterinary Schools report

63. Professor Gary England reported items of interest from the Heads of Veterinary Schools meeting held the previous day.

64. Deans of research, teaching and administration had taken part in the Away Day in June and there was an increased awareness of the opportunities for improved collaboration between schools. Proposals for more formal collaboration between schools would be developed.

65. HOVS had discussed the paper about RCVS Council and Committees and were keen to see the purpose of all committees clearly stated and clarified.

66. With reference to the discussion about whether clinical training scholarships should be employed posts or educational posts, HOVS were in favour of these remaining educational. The benefits included additional time off to study and the support around education programmes.

67. Professor England reported that some students from all the schools had experienced problems getting a student loan if they intercalated and graduated with another degree before completing their veterinary degree. There did not appear to be any consistency to the advice being given by the Student Loans Company on this issue, with some students getting loans and others not. The solution was for them to intercalate but to delay graduating with their intercalated degree until they completed their veterinary course.

68. The AVTRW\textsuperscript{4} conference would be held on 16 and 17 April 2013. AVTRW had offered to sponsor one attendee from each school.

69. Professor England also reported that HOVS had noted that the University of Surrey had plans to open a veterinary school.

70. The Chairman thanked Professor England for his report and said that he had pre-empted his announcement that RCVS had had a meeting with the Vice Chancellor and representatives of the University of Surrey at the university’s request, on 3 October 2012 to hear the University’s plans to open a veterinary school in 2014.

71. Head of Education, Mrs Freda Andrews, then reported briefly on the meeting. The meeting had been chaired by Dr Barry Johnson who had experience of seeing Nottingham through the process. Mrs Andrews reported that this matter remained confidential until the University made a public statement. The University had been informed that the matter would be reported at this meeting and, through these open minutes, to Council.

\textsuperscript{4} Association of Veterinary Teachers and Research Workers
72. In due course, EPSC would be asked to agree proposals for monitoring development of this new veterinary degree course. It was envisaged that this would be done along very similar lines to the process undertaken with Nottingham and Primary Qualifications Sub-Committee would undertake the work and report to EPSC.

**Update on RCVS Trust project: “Aiding the transition from veterinary school to practice”**

73. The Committee received a paper giving details of this project. The Librarian, Ms Clare Boulton, explained that the words that appeared in the boxes were words that respondents had used and this was why there appeared to be a mismatch between the box label or heading and what appeared in the box.

**Other business**

74. Professor The Lord Trees reported on the successful antimicrobial resistance symposium. He also reported that the College working party that he chaired to consider ethical review of practice research and issue guidance was about to circulate its draft report for comments. In due course the final report would be published.

75. Lord Trees said that a more robust induction process for overseas registrants was desirable. Although they came to the College to register and make their declaration, the process was brief and handled by College staff. Responsibility in professional practice was a part of the UK undergraduate curriculum but he was concerned that graduates from elsewhere lacked knowledge of the rights, privileges and responsibilities contained within the Code of Professional Conduct. He considered that RCVS had a duty to its overseas registrants and should offer some support. It was suggested that perhaps an Officer rather than member of staff should take the declaration at each registration session.

76. Dr Bradley Viner reported that there had been some progress in providing support to overseas registrants. A series of seminars had been set up by the BVA, RCVS and VDS. There was support for the idea that overseas registrants should have more support and it was noted that the nature of regulation and the structure of the profession was very different in other countries.

77. The Registrar noted the discussions and would ensure that Officers considered what more could be provided. It was suggested that a paper should be prepared suggesting a better induction process for these registrants.

78. The Chairman announced that the next RCVS Share Jones Lecture was due to take place in Autumn 2013. He invited members to start thinking about nominations of suitable lecturers for this veterinary anatomy based lecture. A reminder would be sent by email and the Committee would be asked to consider nominations at their February 2013 meeting so that a recommendation could be presented to Council in March 2013.

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5 Veterinary Defence Society
Date of next meeting

79. Wednesday 6 February 2013 at 10am.

Anne Jermey
Committee Secretary
October 2012
education@rcvs.org.uk
<table>
<thead>
<tr>
<th><strong>Meeting</strong></th>
<th>Council</th>
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<tr>
<td><strong>Date</strong></td>
<td>1 November 2012</td>
</tr>
<tr>
<td><strong>Title</strong></td>
<td>Planning and Resources Committee Report</td>
</tr>
<tr>
<td><strong>Classification</strong></td>
<td>Unclassified</td>
</tr>
<tr>
<td><strong>Summary</strong></td>
<td>Minutes of the meeting held on 11 October 2012</td>
</tr>
<tr>
<td><strong>Decisions required</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Attachments</strong></td>
<td>None</td>
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</table>
| **Author**  | Jenny Harris  
PRC Secretary  
020 7202 0739  
j.harris@rcvs.org.uk |
Planning & Resources Committee  
Minutes of the meeting held on 11 October 2012

Members:  
Dr Bradley Viner - Chairman/Treasurer  
Ms Jacqui Molyneux - President  
Col Neil Smith - Vice-Chairman/Vice-President  
Dr Jerry Davies - Vice-President  
Mrs Clare Tapsfield-Wright - Advisory  
Prof Peter Lees* - Disciplinary  
Mr Chris Tufnell - EP&S  
Mrs Jill Nute* - PI & Trust  
Lord Trees of the Ross* - Public Affairs  
Mrs Kathy Kissick* - VNC  
Dr Karen Braithwaite*  
Prof Sheila Crispin  
Dr Barry Johnson  

*Absent

In attendance:  
Mr Nick Stace - CEO  
Mr Gordon Hockey - Registrar  
Mrs Corrie McCann - Head of Finance / Acting Head of Corporate Services  
Mrs Chris Fraser - Head of Registration  
Mr Martyn Webster - Facilities Manager  
Mr John Collins** - Special Projects Manager  
Ms Lizzie Lockett** - Head of Communications  
Mr Ian Holloway** - Communications Manager  
Ms Jenny Harris - Committee Secretary  

** For items presented by them

The Chairman welcomed everyone to the meeting especially the new CEO, Nick Stace, and Gordon Hockey in his new role.


**Apologies for absence**

1. Apologies were received from Prof Lees, Mrs Nute, Dr Braithwaite and Mrs Kissick. Lord Trees was not present.

**Declarations of interest**

2. There were no changes reported. The Chairman reminded members to keep their declarations up to date.

**Minutes of the meeting held on 10 May 2012**

3. The minutes were accepted as a true record.

**Matters arising**

4. The CEO said he recommended delaying implementation of performance-related pay until 2014 because the new appraisal system has not yet been tried and tested; management staff need to be in a position to provide constructive feedback and support throughout the year to relevant staff; and to allow a benchmarking exercise for salaries to take place against those of other regulators and Royal Colleges.

5. Members agreed that this was sensible and important to get right.

6. The Head of Finance reported that the Audit and Risk Committee [ARC] will be asked to consider whether it is appropriate to retain the current auditors of 10 years’ standing for a further period. Crowe Clark Whitehill has suggested a change of audit partner and this was agreed.

   **Action:** Audit and Risk Committee

**2013 budget – RCVS, VN and Awarding Body [AB]**

7. The Head of Finance reminded members that it has already been agreed there should be no increase in the annual retention fee for 2013 for members or VNs but that all other fees except one remained as agreed. She proposed that the fee for assessment of overseas veterinary nurse qualifications be increased from £109 to £130 as the current fee does not cover costs.

8. She drew attention to Annex A which reported variances, mainly due to changes in the number of removals from the Register for non-payment of fees. The Awarding Body budget had been amended to reflect changes agreed since the last meeting and a decrease in the number sitting exams. She added written exams are cost-neutral but practical ones are not.
9. The Chairman reminded members that there had been a request for more information on the funding of the purchase of the building. The original purchase of a previous building had been made under the Charter, happening before the Act came into force. Background documentation on the history of RCVS properties was appended to the budget paper. The legal advice on the statutory / Charter divide indicated that a ‘holistic’ approach could be taken and it was proposed that rental allocation either way should be removed from the budget. As a result the bottom line would show a deficit for statutory activities of £105,354 and a surplus for Charter activity of £105,344.

10. This was agreed and statutory and Charter activity will continue to be shown separately in the budget with no rent allocated to either function.

11. The Chairman drew attention to the proposed strategic development budget [SDB] and said the reserves calculation already contained an element for new initiatives. The proposal was to move a portion of this figure into annual expenditure. He reported that the reserve would still be above the calculated figure of what it should be.

12. The CEO explained the reasons for having an SDB: being newly in post, he does not yet know the scope of the programme of change and improvement; some staff members have passed on to him their frustration that ideas for improvement are sometimes delayed because there is no allowance in the current year's budget to implement them; also, particularly this year, he does not yet know necessary changes needed to move towards becoming a best-practice regulator, but needs to know that the necessary funding is available.

13. He added that the intention is to have such a budget each year but the aim would be to fund it from normal operating costs in future rather than from reserves.

14. The Chairman reported a slightly larger surplus on this year's management accounts, to be reported later in the agenda, than anticipated despite the annual retention fee not having been increased.

15. One member said it would be prudent to keep the reserve at its present level as the costs resulting from the implementation of the LRO are not yet known and PIC/DC costs are likely to increase in the future. Another cautioned against reducing the reserve too much and suggested that annual retention fees should be increased by a small margin each time rather than freezing them for a period of time and then having to increase by a larger amount.

16. The governance procedures regulating the management of the SDB were laid out in an annex to the budget and the CEO assured members that there will be full reporting of activities funded by it.
17. Drawing attention to Annex E, authorisation limits for payments as set out in the Bye-Laws, the Chairman said that the limits had been set when most transactions were made by cheque; the most common method now is BACS. He pointed out that missing from the document was authority to commit expenditure, e.g. to sign contracts on behalf of the College, and that this is also important. The CEO added that the proposed limits are in line with those proposed in the SDB and as agreed for the project management protocol.

18. The President was concerned about multiple invoices to the same company which individually are less than £10,000 but together can add up to considerably more than the £10,000 limit. The CEO replied that there would need to be a management check at a higher level. The Head of Finance said that a simple report of payments can be prepared each month, adding that all reports of BACS payments are seen by the Treasurer who spot checks random ‘interesting’ items.

19. There were no other comments or questions and the draft budget for 2013 including the provision for a strategic development budget was approved by PRC.

Recommendation to Council
Action: Head of Finance / CEO

RCVS Council and committee structures

20. Introducing the paper, the Chairman explained that it considers what responsibilities might be delegated to the proposed Board; it does not at this stage deal with committee structures. The Board would replace the functions of Officers’ meetings and PRC and would meet between 6 to 8 times a year. It is felt that a Council of 42 members, and rising if a proposed new veterinary school is established, is too large to manage the day-to-day business of the College and it should rather be managing strategy.

21. Committee chairmen reported broad support from their committees for the proposed Board although there were some concerns: that the proposal is for the Board itself to determine what matters it reports to Council; the independence of the Nominations Committee, which was more or less the proposed Board; that the Board would be setting rates of travelling and subsistence expenses and recompense for loss of earnings when its members might be seen to benefit most. It was reported that there had been considerable discussion in committees about the composition of the individual committees although this was not outlined in the paper itself, nor are the terms of reference. The incoming Vice-President reported that VNC is keen to remain closely aligned to Council vis-à-vis committee structures and supported the Board on the basis that the Chairman of VN Council is a member.

22. There was a short discussion on the frequency of meetings of the Board and the level of commitment that would be required, although it was agreed that a certain amount of business could be done electronically. The CEO said that regular attendance by all members would be desirable for the Board to work as a coherent team and meetings would be scheduled to fit in with Council and other meetings or College activity. It was agreed that expectations should be clearly
set out so that a potential committee chairman would be apprised before accepting a chairmanship and therefore membership of the Board. It was pointed out that the requirements for membership of such a board should not preclude participation by an ‘ordinary practising member’.

23. Rounding off the discussion, the Chairman said that the paper would be returned to Officers for further work, taking on board the comments and concerns expressed. Overall, there was strong support for the concept of the proposed Board.

Action: Officers

Enforcement of the code of conduct for Council and committee members

24. The Chairman explained that Council had approved an informal enforcement scheme which did not include the option of removing an individual from Council as a sanction. The Governance Review Group [GRG] had referred the decision back to PRC because it considered that the legal advice received on the matter does allow for the introduction of a scheme to remove Council members from office in appropriate circumstances.

25. After a brief discussion, members decided that the legal risks of removing members from Council outweighed the reputational risks of the informal enforcement procedure agreed by Council in June and decided that the original decision was preferable.

Implementation of the legislative reform order [LRO]

26. The Chairman passed on comments made by the Chairman of DC who was concerned that the transitional arrangements would mean that some members of DC would only serve for three years rather than an anticipated four years and asked if there was any flexibility in the system.

27. There was also discussion about when it was appropriate to change from Chairmen appointed by Council to Chairmen appointed by the independent appointments panel. It was agreed that July 2014, midway through the transition period, was the appropriate time.

28. It was noted that there would be an appraisal scheme for PIC and DC members.

PIC and DC bye-laws

29. The Registrar indicated that the proposed byelaws were required by Defra, for dealing with the management of the statutory committees.

Action: Registrar
General Administration bye-laws

30. The Committee agreed with the proposal that the General Administration Bye-Laws should be amended so that they no longer include the constitution and terms of reference of RCVS committees and considered that they should also cease to set out roles and delegated powers of the Officers, these to be set out in a separate document.

Recommendation to Council
Action: Registrar

Hire of College data

31. As background the Chairman explained that, on the recommendation of PRC, Council had agreed in June that College data would no longer be hired to third parties with the exception of those requiring them for non-commercial purposes (e.g. scientific research), and this had excluded the British Veterinary Association [BVA]. The BVA and Veterinary Defence Society [VDS] have asked for the decision to be reviewed.

32. The President reminded members that she had specifically mentioned to Council that the decision would mean that the BVA would be unable to hire data.

33. After a short discussion, the Committee agreed that it was not minded to review the decision although it was felt that the matter should go back to Council as a separate paper rather than just as a minute in the PRC report. It was agreed that the terminology ‘non-commercial’ might be amended to something like ‘bona fide research’ or similar, if appropriate, and that a sample of the form to be signed by those requiring data for such a purpose be included as an annex to the paper. It was also indicated that the College had started to ask for a copy of any research report based on its data.

34. A discussion ensued on the quality of data held by the RCVS, particularly practice and organisation addresses, and the consistency with which names and addresses of practices are entered in individual entries for veterinary surgeons (from information given by applicants), e.g. University of Edinburgh, Royal (Dick) School of Veterinary Studies, R(D)SVS, Edinburgh University.

35. The Head of Registration advised that it is now much more time-consuming to link individuals to practices on the iMIS database than it had been on the old DMS database and added that if we are advised by a practice that an individual is working there, the individual has to be contacted before their Register entry can be amended. The Chairman reminded members that some £150,000 had been saved by not printing a hard copy of the Register this year.

36. The CEO emphasised that the integrity of the data is critical and core data must be correct. It was agreed that data quality does need to be improved and the Head of Finance reported that she
would be reviewing the position with ASI although the bulk of any such work would have to be
done manually. The Head of Registration added that whilst data can be ‘corrected’ now, the issue
is ongoing each time someone new registers or changes employment address. It was suggested
that other organisations used address data that was selected from a main list to ensure
consistency of address data and the RCVS might do likewise for commonly used organisation
addresses.

Recommendation to Council
Action: Heads of Communications and Finance

Publication of additional qualification post-nominals in the Register

37. The Head of Registration explained that the decision had already been taken that additional
qualification post-nominals should be removed from the Register but the question remained
outstanding as to the timing for this; when to stop showing them online and when to stop adding
those that are currently already approved for inclusion in members’ records.

38. There was general agreement that the current freeze on considering new additional qualification
post-nominals not already approved for inclusion in the Register should remain. Those post-
nominals already approved for inclusion will be retained on the Register and shown online until
such time as the Advanced Practitioner tier is in place as they do give an idea of higher
qualifications.

39. The matter of Honours was raised and it was agreed that consideration of their inclusion would be
a matter for the Register and Registration Sub-Committee further down the line, along with the
issue of whether the online Register should include titles, e.g. Dr, Ms, Mr etc., or just indicate
gender as other regulators do.

40. It was agreed that the status quo be maintained until such time as the Advanced Practitioner tier is
in place but that there should be some publicity to the profession about the decision to raise
awareness in advance.

Action: Heads of Registration and Communications

Register and Registration Sub-Committee report

41. The Head of Registration explained the anomaly that had arisen when an applicant with a BVSc
from James Cook University showing their graduation in 2010 had applied to register. Council had
approved recognition of the qualification at its meeting in March 2011 and it appeared that this
qualification pre-dated the recognition by Council. The Sub-Committee has approved the
individual applicant as per its terms of reference but it should be formally recorded that RCVS
recognition is for the qualification from the first cohort who graduated in December 2010.

42. It was agreed that in the future for clarity recording of such recognition should be clearer and
include the date from which a qualification is recognised.
2014 survey of the profession

43. Introducing the paper, the Special Projects Manager added a further reason for conducting a survey – the need to survey members using a questionnaire prepared by SPADA, a consultancy following up the work of the Panel on Fair Access to the Professions. This would mean including in the survey the type of school attended, whether an individual received free school meals and the like.

44. There was some discussion about the frequency with which such surveys should be carried out and members were reminded that there is no provision in the 2013 budget for it. Most members preferred an online survey. Ideally this would be without a special postal mailing but included with other items in a routine mailing. It was also suggested that a letter in the *Veterinary Record* or *Veterinary Times* would be a cheaper way of alerting the profession to the survey.

45. The CEO added that he is keen to get more regular feedback from the profession and other stakeholders not just by way of a periodic survey, and asked for ideas for how this could be achieved.

46. Members agreed that a full online survey should be conducted in 2013, but preferably without an accompanying mail out.

Council election review

47. The Communications Manager drew attention to the chronology of the 2012 election and said the aim in the future would be to minimise risk; a failsafe system is not achievable. He reported that if a future election was dealt with as a separate mailing, the postage costs would be around £15,000. He explained that the length of time members had to vote is set to allow for ballot papers to be sent to locations all over the world, completed and returned by mail. Currently the election rules state that ballot papers have to be sent out by post.

48. Various suggestions were made; if future election mailings were to be done separately, perhaps other mailings might be coordinated to reduce postage costs; that other delivery options be explored; that election rules might be changed in the future to say that vets based outside the UK have to vote electronically; and that the time period allowed for voting is shortened.

49. It was reported that the Communications Board wished to continue with Electoral Reform Services [ERS] for the 2013 election and review the arrangements for the 2014 election.
50. PRC agreed that there should be a separate mailing for the 2013 election, a tender exercise to
decide the independent scrutineer for the 2014 election and that the rules governing elections
should be reviewed.

Action: Communications Manager

Matters of written report

51. The Chairman introduced this section of the meeting which contained the following reports:

- Management accounts
- RCVS Statutory / Charter divide – report on the legal advice received
- Governance Review Group [GRG] report
- IT strategy and development report
- Special projects report
- Facilities report

52. The management accounts show a higher than budgeted surplus due to savings as a result of
gapping of posts, higher fee income and only a small number of Registers produced.

53. Referring to the legal advice received on the statutory / Charter divide, the Registrar advised the
Committee that the College is currently using the Charter to its maximum extent and that it is
understood that BVA broadly accepts the current activities the College carried out under it. He
reminded members that BVA has been provided with a copy of the advice and the issues were
discussed at a joint Officers meeting with BVA in September. He reported that the matter of the
Riding Establishments had arisen during discussions with Field Fisher Waterhouse but was not
pursued because it is not core to the statutory/Charter divide. But the concerns meant that further
work is needed before considering whether the Riding Establishments inspectors could be
charged for inclusion on the list. In answer to a question, he confirmed that the Charter does
empower the College to make donations to the Trust.

54. There was some discussion about the College acting as an ‘impartial source of informed opinion
on veterinary matters’ and the Chairman reported that the BVA is happy for the College to act as
an ‘impartial source of informed opinion’ on the matter of regulation and for the College to collate
evidence, but less keen when it offers opinions on matters not relating to regulation.

55. One member stressed that it is important that such matters are discussed between the two
organisations even if they end up disagreeing.

56. The Registrar reported that the GRG was disappointed that the proposed Board was not in place
for 2012.
57. The Acting Head of Corporate Services was thanked and congratulated for her team’s work on the replacement of the current server system, which was accomplished in a timely way, in budget and with minimal disruption, and regular updates on progress were sent to the Project Team.

58. Responding to a question, the Acting Head of Corporate Services said that the project was part of a wider review of the way forward for IT systems and reiterated the point that it is vital that core data are managed correctly. A meeting with ASI is scheduled for December and the Chairman said there was a need to develop an IT strategy for the next 3-4 years. The CEO warned members that the College will need to migrate to a new system within 2-3 years, ideally sooner. Such a system is likely to be bespoke for core functions because College needs are complex; packages to manage other applications might be ‘off the shelf’. He added that the cost is likely to be more than originally paid for the iMIS system; there is no ‘cheap fix’. The Chairman added that more in-depth analysis of requirements would be needed and a stage-by-stage approach is the current method of managing such projects.

59. Updating the Committee on his paper, the Special Projects Manager reported that the government is keen to reduce the list of ‘shortage occupations’ and it is now highly unlikely that ‘veterinary surgeon’ would be relisted even if we wished to lobby for it. Regarding the draft ‘Workforce Modelling’ report which was tabled, he said that he had looked particularly at three areas - students, the gender balance and overseas vets. He suggested that members take the report away to read and invited comment and views.

60. The Facilities Manager reported that he was in receipt of the latest newsletter issued by HardHat, the PR company working for the developers (Barratt) and the main contractor (Erith), outlining the programme of works for the construction phase on the site of the former Magistrates Court, spanning some 93 weeks. He advised that Anstey Horne, the consultants engaged by the College to liaise on Rights of Light and associated neighbourly matters, were scheduled to hold a meeting with Barratt and Erith to discuss the settlement of Rights of Light compensation, with a potential award value approaching £70,000. The consultants would also register the College’s concerns regarding ‘quiet times’ in the building programme, e.g. for Council meetings, and also a need for recognition of longer term liability for defects occurring during the extended building programme. He added that he now possessed an “artistic visualisation” of the finished building if anyone wished to view it.

61. The CEO advised the Committee that he was looking to make some changes to the layout of the building to better use the space and that there would be a cost for such work.

62. There were no other comments or questions made about these reported items.

**Freedom of Information Act [FOIA] report**
63. The Registrar reported that the Information Commissioner had upheld the College’s decision not to publish the McKelvey report in full.

Riding Establishments Sub-Committee [RESC]

64. The Registrar indicated that this matter had been reported already (paragraph 53) and that the CEO intended to look broadly into what the College may charge for and what it may not.

Items for RCVS News, RCVS e-News or publication elsewhere

65. There were no additional items not already mentioned.

Investment report

66. The latest investment report and update was tabled and members were asked to direct any questions they might have to the Head of Finance.

Council election results update

67. It was reported that there had been no challenge to the result of the 2012 election.

Matters arising from other committees

68. The Chairman asked Committee Chairmen to report on items of a financial nature that arose from their committees.

69. PI and Disciplinary - It was reported that some cases have been closed in the public interest, i.e. there is a case but it is not considered in the public interest to pursue. Such outcomes are coming into play more widely with other regulators mindful of the costs involved in hearings and fit with the RCVS practices in relation to the Health Protocol and the Performance Protocol.

70. Advisory - The matter of ‘fitness to practise’ for veterinary students and nurses was raised and it was agreed that Advisory would be the appropriate committee to consider the issue; the Registrar indicated this was on the long list for the Committee. It was noted that the reporting of conformation changes and caesarean sections to the Kennel Club would be subject to review, following the recent changes to the scheme.

71. EP&SS - The Chairman reported that the working parties on Fellowships, day-one competencies and the Advanced Practitioner scheme would have financial implications.

72. PA - There was nothing to report.
73. **VNC** - There was nothing else to report.

74. **Trust** - There was nothing to report.

**Any other business**

75. The Chairman drew attention to the tabled paper on the Legislation Working Party and reported that VNC is looking to pursue a handout-bill to protect the veterinary nurse title, put the VN Register into statute and remove the List, and to enable Charter regulation of the veterinary nurses.

76. The afternoon session after Council will be looking at evidence–based veterinary medicine and the role of the College, Trust and Library. The Chairman reported that a legacy in the region of £500,000 has been left to the College and suggested that it might be passed on to the Trust with conditions as to its use.

77. The President reported that she had received several suggestions that an extra meeting of Council might be needed to discuss the restructuring of committees. The Chairman replied that there would be a significant cost to do so but that was for Council to decide.

**Date of next meeting**

78. Thursday 7 February 2013 at 10.00

Jenny Harris  
Secretary PRC  
October 2012  
j.harris@rcvs.org.uk
## MEETING
Council

## DATE
1 November 2012

## TITLE
PI Committee Chairman's Report to Council

## CLASSIFICATION
Unclassified

## SUMMARY
This report sets out the work of the PI Committee since RCVS Council’s last meeting and the work of the Committee members and Lay observers at the different stages of the complaints process. The report also shows the work of the Veterinary Investigators and the co-operation between the RCVS and other authorities enforcing the Veterinary Surgeons Act and related legislation.

## DECISIONS REQUIRED
None

## ATTACHMENTS
None

## AUTHOR
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m.hepper@rcvs.org.uk
Introduction:

Since the last Report to Council there have been four Preliminary Investigation Committee meetings (20 June 2012, 18 July 2012, 5 September 2012 and 3 October 2012).

Preliminary Investigation Committee:

The total number of new complaints considered by the Committee during this period was forty-three. Of the forty-three complaints considered, five complaints were closed; eleven complaints were closed with advice issued to the veterinary surgeon (including three complaints closed with strong advice); three complaints held open, five complaints referred to the veterinary investigators for visits and interviews (including one potential health case); nine complaints referred to the Professional Conduct Department for further investigations; eight cases were referred to solicitors for formal statements to be taken and two complaints were referred to the Senior Case Manager to liaise with police and assist with investigations (the cases involve one case of tail docking by an unqualified practice employee and one case of a veterinary surgeon practising whilst off the Register).

Ongoing Investigations:

The PI Committee is investigating fifty-three ongoing complaints. These include complaints referred to solicitors, visits and health cases.

Audit of closed complaints:

Since the last Report to Council, the PI Committee Chairman audited 29 from 83 (35%) complaints closed at the assessment stage and 38 from 114 (33%) complaints closed at the case examination stage audited. The PI Committee Chairman requested that one case closed at case examination is included in the Chairman's Report to Council. The case involved clinical records (see below).

Health Protocol:

Two new complaints against veterinary surgeons are being investigated under the health protocol and in one case the Senior Case Manager is liaising with the police (Allegations
against veterinary surgeons that do not have a health dimension will still be dealt with through the RCVS main complaints and disciplinary process). In addition, four veterinary surgeons are being considered under the RCVS Health protocol and have agreed to undergo a medical assessment by the Medical Examiner. In total, nine veterinary surgeons are now monitored or being considered under the Health Protocol.

**Performance Protocol:**

The PI Committee is currently considering one case under the RCVS Performance Protocol. Undertakings have been drafted and sent to the veterinary surgeon and the Committee is awaiting the veterinary surgeon’s response.

**PI Committee complaint to General Dental Council (GDC):**

It was reported to Council previously (1 March 2012) that the PI Committee closed a complaint against a veterinary surgeon because there was no case to answer. The RCVS investigation identified that the complainant’s behaviour towards the veterinary staff was aggressive and threatening. The police were involved which resulted in the complainant being escorted off the veterinary practice premises. The complainant (a practising dentist) is subject to professional regulation and consequently the PI Committee referred the matter to the complainant’s regulator for assessment and if appropriate, investigation and disciplinary action.

On 11 September 2012 the Senior Case Manager received a letter from the General Dental Council (GDC) Investigating Committee. The Investigating Committee found that the dentist failed to maintain appropriate standards of behaviour, including: verbally abusing veterinary staff, being physically aggressive towards the veterinary staff and being physically aggressive towards the police; and that the Registrant’s fitness to practise is impaired by reason of Misconduct. The GDC Investigation Committee gave its Registrant a written warning and directed that the warning should be published in the Register for a period of 6 Months: see GDC Register The veterinary surgeon has been informed of the GDC decision.

**Professional Conduct Department:**

Since the last Council meeting (7 June 2012 to 5 October 2012), the total number of complaints registered was 278 (the total number of complaints registered between the same dates in 2011 is 267).

The table below shows the categories of complaints received between 7 June 2012 and 5 October 2012 and ( ) shows the figures for the same period during 2011:

<table>
<thead>
<tr>
<th>Complaints registered between 7 June 2012 and 5 October 2012</th>
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<tr>
<td>Category</td>
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A Client Confidentiality 6 (7)
B Fees 14 (25)
C Promoting the Practice 4 (1)
D/1 General 7 (16)
D/2 24 hour emergency cover 9 (13)
D/3 Euthanasia 7 (7)
D/4 Communication/ Consent 61 (43)
E Running the business 1 (1)
F Treatment of animals by non-veterinary surgeon 2 (2)
G Certification 6 (3)
H The use of Veterinary Medicine Products 11 (11)
I Jurisdiction of RCVS 1 (0)
J Negligence/Inadequate Care 113 (120)
K Other 16 (18)
X Unclassified 20 (0)
Totals 278 (267)

Data source – Profcon computer system complaints data. Category ‘X’ is a temporary field assigned to complaint files where a final category has not been identified.

During the same period (between 7 June 2012 and 5 October 2012), 264 complaints were closed: approximately 31% were closed at assessment; approximately 7% were closed as potential complaints, for example, because permission to copy the complaint to the veterinary surgeon was not received, approximately 40% were closed by Case Examiners because there was no arguable case against the veterinary surgeon and 22% were closed or held open for a specified period by PIC. (Data source is the Profcon computer system)

Case Examiners:

Between 7 June 2012 and 5 October 2012, one hundred and twenty-six complaint files were progressed to case examiners. Of these, the Case Examiners closed eighty-eight complaints; referred twenty-eight new cases to the PI Committee and requested further investigations on ten complaints. The Case Examiners are currently considering five new cases and these are pending their decisions.

Referral to Disciplinary Committee:

During the relevant four Committee meetings (between 7 June 2012 and 5 October 2012), the Committee referred three new complaints to the Disciplinary Committee. There are currently a total of nine cases listed or waiting to be listed for Disciplinary Hearings.

Veterinary Investigators:
During this same period (7 June 2012 and 5 October 2012), the four Veterinary Investigators and the Senior Case Manager carried out thirteen announced, five unannounced and three review visits. During the visits carried out, complainants, veterinary staff, third party witnesses and the respondent veterinary surgeons were interviewed.

In addition the veterinary investigators and senior case manager have assisted the police with investigations relating to allegations of fraud and the theft of drugs from one veterinary practice. They have also assisted the police to execute a search warrant related to a bogus veterinary surgeon obtaining and supplying medicines to animals.

There are currently twelve new visits to be carried out during October and November 2012, which are in the process of being arranged

**Breaches of the Veterinary Surgeons Act / Non-Veterinary Surgeons practising:**

The Senior Case Manager is currently assisting police with two cases of non-veterinary surgeons practising. The outcome of these cases will be included in a future Report to Council.

**RCVS Registration:**

The Professional Conduct Department, with the assistance of the RCVS Registration Department, continues to carry out checks / investigates / reviews the registration status of veterinary surgeons qualified overseas who are the subject of complaints. The checks carried out are to ensure that the respondent veterinary surgeon is entitled to practise veterinary medicine in the United Kingdom and that their names are appropriately registered with the RCVS.

The Senior Case Manager and Deputy Head of the RCVS Registration Department have carried out a number of investigations / checks related to veterinary surgeons requesting registration and who have been subject to or pending disciplinary proceeding in another jurisdiction. The Senior Case Manager liaises with other Professional Regulatory Authorities in order to establish the applicant’s suitability for RCVS registration. As a result of the checks carried out one applicant who currently practices overseas and who has come to RCVS attention previously will be offered an interview by the Head of Legal Services / Registrar and Senior Case Manager. The initial interview will be carried out using the video or Skype conference systems in the lower ground floor meeting room.

**General Advice to the Profession is reported to Council (The importance of obtaining informed consent for the use of off-label medicines).**
Due to certain complaints that veterinary surgeons have not sought consent for the administration of off-label medicines, the profession is reminded that when supplying ‘off-label’ medicinal products under the cascade, the Code of Professional Conduct (supporting guidance 4.17) advises that client consent is obtained in writing, after they have been given a clear indication of the potential side-effects.

MDH/08/10/2012
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<th>Meeting</th>
<th>Council</th>
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<tr>
<td>Date</td>
<td>1 November 2012</td>
</tr>
<tr>
<td>Title</td>
<td>Disciplinary Committee Report to Council</td>
</tr>
<tr>
<td>Classification</td>
<td>Unclassified</td>
</tr>
<tr>
<td>Summary</td>
<td>Update of Disciplinary Committee since last Council</td>
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<tr>
<td>Decisions required</td>
<td>None</td>
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<tr>
<td>Author</td>
<td>Aideen Neylon</td>
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Disciplinary Committee Hearings since the June 2012 Council Meeting

Background

1. Since the last meeting of Council, the Disciplinary Committee (‘the Committee’) has met on three occasions.

Mr Cartmell

2. In September 2012, Mr Cartmell faced seven heads of charge containing “serious allegations” relating to his provision of expert evidence in a case involving the RSPCA, his certification following clinical examination of the health of a horse for a prospective purchaser and his treatment of a dog.

3. An application was submitted that the hearing be adjourned generally without any inquiry into the facts of the charges (which were not admitted or found proven against Mr Cartmell). The application was made on the basis of three undertakings given by Mr Cartmell: first, voluntary removal from the Register, second, never to apply to be restored to the Register and third, not to accept instructions to act as an expert witness in litigation. The Committee considered whether the application would be in the public interest, protected the welfare of animals and upheld the reputation of the profession. The Committee also considered the views of the complainants. It was noted that Mr Cartmell had recently retired from his practice, which was now closed and that, in more than 60 years of practising, there had been no adverse disciplinary findings against him.

4. In granting the application the Committee indicated that it was satisfied that the undertakings offered by Mr Cartmell protected the welfare of animals and upheld the reputation of the profession. An additional safeguard was also included in that should Mr Cartmell breach his undertakings and subsequently apply to be restored to the Register, both that breach of undertaking and the seven heads of charges should be listed for Hearing by the Disciplinary Committee as soon as possible.

Mr Lonsdale

5. In September 2012, the Disciplinary Committee heard an application for restoration to the Register by Mr Lonsdale, who had been struck off in March 2004 for illegally delegating acts of veterinary surgery to insufficiently qualified members of his practice.

6. The Committee accepted evidence that Mr Lonsdale had successfully addressed his alcoholism, which it recognised as being a contributory factor to his poor decision-making in an isolated working environment. Mr Lonsdale provided the Committee with evidence of undertaking continuing professional development, including 130 hours of online courses and seven weeks of seeing practice, letters of endorsement from former clients and testimonials from friends and former colleagues. He assured the
Committee of his intention that, should his application be successful, he intended to work only in a multi-handed practice in the future.

7. In considering Mr Lonsdale’s application, the Committee found him to be an honest and frank witness who accepted the findings of the original hearing. The Committee made a number of recommendations, including that he should register for the RCVS Professional Development Phase, undertake certain parts of the RCVS Certificate in Advanced Veterinary Practice, restrict himself to his recognised areas of competence, investigate communication courses run by the Veterinary Defence Society and continue with the mentoring programme provided by the Veterinary Surgeons Health Support Programme. Mr Lonsdale said that he was willing to follow these recommendations and the Committee directed that his name be restored to the Register.

Dr Ohene-Gyan

8. In October 2012, the Committee heard an inquiry into Dr Ohene-Gyan who was convicted on 13 June 2012 at Reading Magistrates Court under sections 4 and 32 (1) of the Animal Welfare Act 2006 of four offences of causing unnecessary suffering to three dogs and a cat that he had treated, for which he was sentenced to 21 weeks’ imprisonment concurrently for each offence.

9. Dr Ohene-Gyan did not attend the one-day hearing and was not represented, although he was aware of the dates of the hearing and had the opportunity to apply for an adjournment. In the absence of any known good reason for Dr Ohene-Gyan’s non-attendance, the Committee concluded that it was in the interests of justice that the hearing go ahead. In considering whether Dr Ohene-Gyan’s convictions made him unfit to practise as a veterinary surgeon, the Committee considered the sentencing remarks made by the District Judge. These included references to the position of special responsibility and trust held by Dr Ohene-Gyan and that some of the cruelty arose due to incompetence, actions being purely “to run up the bill for owners” and a conclusion that Dr Ohene-Gyan was not fit to be trusted with the care of animals.

10. The Committee concluded that Dr Ohene-Gyan had demonstrated a total disregard for the professional responsibilities of a veterinary surgeon and that removal of his name from the Register was the only appropriate and proportionate sanction.

11. Dr Ohene-Gyan may appeal the direction that his name is removed from the Register within 28 days from the date of the Notice of Direction.

Appeals

12. There have been no appeals.
13. The Committee's two day annual training is on 30 and 31 October 2012 and will include such talks as 'how much evidence do you need to be sure' and 'questions to witnesses – who asks what' as well as two workshop sessions involving the Committee's Legal Assessors.