

Summary	
Meeting	Council
Date	21 January 2021
Title	Preliminary Investigation Committee Report to Council
Summary	This report describes the work of the Preliminary Investigation Committee since RCVS Council's last meeting, including by reference to key stage indicators, and provides information about the nature of concerns being considered by the RCVS.
Decisions required	None
Attachments	None
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Classifications		
Document	Classification¹	Rationales²
Paper	Unclassified	n/a

¹Classifications explained

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

²Classification rationales

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

Preliminary Investigation Committee

Report to Council 21 January 2021

Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee from 19 September 2020 to 7 January 2021 (being the date of writing the report).
2. Since the last Report to Council (which gave information to 18 September), there have been seven Preliminary Investigation Committee (PIC) meetings: 7 October, 21 October, 4 November, 18 November, 2 December, 16 December and 6 January.

New cases considered by the PIC

3. The total number of new cases considered by the Committee at the seven meetings referred to above is 19. Of the 19 new cases considered:
 - 12 were concluded at first consideration by the Committee. Of these:
 - 8 cases were closed with no further action, and
 - 4 cases were closed with advice issued to the veterinary surgeon.
 - 7 were referred for further investigation, that is, further enquiries, visits and/or preliminary expert reports, and
 - No cases were referred to DC.
4. No cases have been referred to the RCVS Health or Performance Protocols in the reporting period.

Ongoing Investigations

5. The PI Committee is currently investigating 25 ongoing cases where the Committee has requested statements, visits or preliminary expert reports (for example). This figure does not include cases on the Health and Performance Protocols.

Health Protocol

6. There are two veterinary surgeons either under assessment or currently on the RCVS Health Protocol. At its meeting on 6 January the Committee discharged a veterinary surgeon who had been on the Health Protocol for around six years. The veterinary surgeon had actively engaged with support networks and cooperated with workplace supervisors during that time. It was considered that the individual had made significant progress and that there was no further need for undertakings or supervision.

Performance Protocol

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

Professional Conduct Department - Enquiries and concerns

8. Before registering a concern with the RCVS, potential complainants must make an Enquiry (either in writing or by telephone), so that Case Managers can consider with the enquirer whether they should raise a formal concern or whether the matter would be more appropriately dealt with through the Veterinary Client Mediation Service.
9. In the period 19 September 2020 to 7 January 2021,
- the number of matters registered as Enquiries was 914, and
 - the number of formal Concerns registered in the same period was 180.
10. The table below shows the categories of matters registered as Concerns between 19 September and 7 January.

Concerns registered between 19 September 2020 and 7 January 2021

Description of Category	Number of Cases
- Advertising and publicity	2
- Certification	3
- Client confidentiality	2
- Clinical and client records	3
- Communication and consent	12
- Communication between professional colleagues	2
- Conviction/notifiable occupation notification	4
- Delegation to veterinary nurses	0
- Equine pre-purchase examinations	0
- Euthanasia of animals	2
- Giving evidence for court	2
- Health case (<i>potential</i>)	4
- Microchipping	0
- Miscellaneous	8
- Practice information, fees & animal insurance	3
- Referrals and second opinions	1
- Registration investigation	1
- Restoration application	0
- Social media and networking forums	0
- Treatment of animals by unqualified persons	0
- Use of samples, images, post-mortems and disposal	0
- Veterinary care	122
- Veterinary medicines	4
- Veterinary teams and leaders	0
- Whistle-blowing	2

- 24-hour emergency first aid and pain relief	3
- Unassigned	0
Total	180

Data source – Profcon computer system concerns data.

Referral to Disciplinary Committee

11. In the period 19 September 2020 to 7 January 2021, the Committee has referred two cases involving two veterinary surgeons to the Disciplinary Committee.

Veterinary Investigators

12. The Veterinary Investigators have carried out three visits during the reporting period, during the period when restrictions had been lifted sufficiently to allow them to take place safely. The first was an announced visit to a veterinary surgeon to check the practice's protocols and clinical records. The second was a joint visit (unannounced) with the Veterinary Medicines Directorate to inspect the veterinary surgeon's practice. The third was an announced visit to the Complainant and the Respondent veterinary surgeon to check the practice facilities, management system and clinical records.

The RCVS is currently assisting an ongoing police/Defra Investigation Services and VMD investigation in connection with possible offences committed under the Veterinary Surgeons Act and Veterinary Medicines Regulations.

Concerns procedure

13. At Stage 1 of the process, the aim is for the Case Examiner Group to decide 90% of cases within four months of registration of complaint (the Stage 1 KPI). For each of the months from September 2020 to December 2020 (the last complete month) the number of cases concluded and achieving the KPI is 80%, 92%, 95% and 84% respectively.

14. The Stage 2 KPI is now for the PIC to reach a decision on simple cases before it within seven months, and on complex cases within 12 months. A case is deemed to be complex where the PIC requests that witness statements and/or expert evidence be obtained.

15. In the period 19 September 2020 to 8 January 2021, the PIC reached a decision (to close, hold open or refer to DC) within the relevant KPI:

- in 9 out of 14 simple cases (64%).

16. There were a number of factors that caused delays in concluding those cases that did not meet the target, including difficulties tracing respondents and challenges arising from the pandemic. With the exception of one of these matters (in which the matter was not addressed as promptly as it should have been), the delays were entirely outwith the control of the Profcon team.

17. 3 complex cases were decided, of which 1 met the 12-month KPI. In accordance with normal practice, cases and KPI compliance in general have been or will be reported and discussed in greater detail at the PIC/DC Liaison Committee meeting.

Operational matters

18. The Committee continues to meet remotely and Committee members in general feel that the virtual meetings are working well. Two virtual training sessions were held in November, with training being delivered by the College's lawyers via Zoom. As it can be difficult to maintain concentration for prolonged periods in this format, these were half-day sessions attended by PIC members and Profcon staff. Among the topics covered were dishonesty (including allegations of lying to the regulator), relevant recent case law, requests by PIC for further information (legitimate enquiry vs "fishing expeditions") and social media. Two new Case Managers started in October (one on a permanent basis and one to cover maternity leave) and both have settled in well and are making excellent progress.

Themes and learning for the profession

19. The cases that are considered by the Committee continue to reflect similar themes to those in past years. As always, in many cases, communication lies at the heart of the problems.