

<b>Summary</b>	
Meeting	Council
Date	4 June 2020
Title	Preliminary Investigation Committee Chair's 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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<b>Classifications</b>		
<b>Document</b>	<b>Classification<sup>1</sup></b>	<b>Rationales<sup>2</sup></b>
Paper	Unclassified	n/a

**<sup>1</sup>Classifications 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.

**<sup>2</sup>Classification rationales**

Confidential	<ol style="list-style-type: none"> <li>1. To allow the Committee or Council to come to a view itself, before presenting to and/or consulting with others</li> <li>2. To maintain the confidence of another organisation</li> <li>3. To protect commercially sensitive information</li> <li>4. To maintain public confidence in and/or uphold the reputation of the veterinary professions and/or the RCVS</li> </ol>
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## Preliminary Investigation Committee

### Chair's Report to Council 4 June 2020

#### Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee from February 2020 to May 2020 (21 May being the date of writing the report).
2. Since the last Report to Council (which gave information to 25 February), there have been six Preliminary Investigation Committee (PIC) meetings: 4 March, 18 March, 8 April, 22 April, 6 May and 20 May.

#### New cases considered by the PIC

3. The total number of new cases considered by the Committee at the six meetings referred to above is 21. Of the 21 new cases considered:
  - 14 were concluded at first consideration by the Committee. Of these:
    - 6 cases were closed with no further action; and
    - 8 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
  - None 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 23 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 3 veterinary surgeons either under assessment or currently on the RCVS Health Protocol.

#### 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 26 February to 21 May:

- the number of matters registered as Enquiries was 550; and
- the number of formal Concerns registered in the same period was 88.

10. The table below shows the categories of matters registered as Concerns between 26 February and 21 May:

**Concerns registered between 26 February and 21 May**

<b>Description of Category</b>	<b>Number of Cases</b>
- Advertising and publicity	2
- Certification	2
- Client confidentiality	0
- Clinical and client records	0
- Communication and consent	1
- Communication between professional colleagues	0
- Conviction/notifiable occupation notification	6
- Equine pre-purchase examinations	1
- Euthanasia of animals	0
- Giving evidence for court	1
- Health case ( <i>potential</i> )	0
- Microchipping	1
- Miscellaneous	1
- Practice information, fees & animal insurance	2
- Referrals and second opinions	0
- Restoration application	0
- Social media and networking forums	1
- Treatment of animals by unqualified persons	1
- Use of samples, images, post-mortems and disposal	0
- Veterinary care	66
- Veterinary medicines	1
- Veterinary teams and leaders	0
- Whistle-blowing	0
- 24-hour emergency first aid and pain relief	1
- Unassigned	1
<b>Total</b>	<b>88</b>

*Data source – Profcon computer system concerns data.*

### Referral to Disciplinary Committee

11. In the period 26 February to 21 May 2020, the Committee has not referred any cases to the Disciplinary Committee.

### Veterinary Investigators

12. The Veterinary Investigators have carried out two visits during the reporting period. The first was an unannounced visit to a veterinary surgeon who had failed to respond to numerous communications from the RCVS in relation to the CPD audit. The second was a follow-up visit on a held open case.

### Concerns procedure

13. At Stage 1 of the process, the aim is for the Case Examiner Group to decide 90% of cases within 4 months of registration of complaint (the Stage 1 KPI). For each of the months from February to April (the last complete month) the number of cases concluded and achieving the KPI is 75%, 61% and 83% respectively. Compliance dipped disappointingly in March, coinciding with a Case Manager leaving and the upheaval caused by the Covid-19 pandemic and the ensuing shift to remote working. Compliance improved significantly in April and we hope to maintain a more consistent level in the future. As ever, we work hard to try to achieve the 90% target at all times.
14. The Stage 2 KPI is now for the PIC to reach a decision on simple cases before it within 7 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 26 February to 21 May, the PIC reached a decision (to close, hold open or refer to DC) within the relevant KPI:
  - in 13 out of 14 simple cases (93%).
16. Five complex cases were decided, of which two met the 12-month KPI. Of those that did not, one matter involved three respondents and encountered delays at a number of stages, one was delayed, in part, because the complainants were unable to cooperate in the preparing of statements, and one was placed out of sequence because the Respondent had significant health concerns. In accordance with normal practice, those cases have been reported and discussed at the PIC/DC Liaison Committee meeting.

### Operational matters

17. The last year has seen changes in the make-up of the Committee, including a new Chair, who started in September. Two new lay members replaced ones who stepped down, and a new veterinary member is due to start at the beginning of July to take over from one who has completed two full terms.
18. The Committee had a training session in November, with topics including the application of the public interest test. Further training had been planned for April, but has been postponed until later in the year in the hope that it can be held face-to-face. This will be kept under review.

19. As ever, the concerns process has been busy, with more than 3000 enquiries addressed and more than 500 formal concerns raised. We have had a number of changes to the team, with Case Managers leaving and new ones coming on board. Unhappily, this has at times led to fluctuations in compliance with the KPIs, as has been reported through the year. Two new Case Managers started at the end of March and have been getting to grips with the process.
20. The Covid-19 pandemic has led to significant changes in the operation of the College, with all staff working from home. So far four Committee meetings have taken place virtually, all of which have run smoothly. While the number of concerns raised dipped in March and April (the start of the lockdown) numbers for May appear to be returning to around normal. This would be consistent with a reduced number of consultations and very few elective procedures. The number of enquiries remains comparatively steady.

#### **Themes and learning for the profession**

21. Many of the matters that are considered by the Committee reflect similar themes to those in past years. In many cases, communication lies at the heart of the problems.
22. Informed consent continues to cause issues, in particular in relation to dentistry, and to the provision of overnight care and the arrangements in place. In many cases, clearer and more detailed information would obviate the problems.
23. Clinical record-keeping is frequently the focus of discussions by the Committee, in particular in cases where owners deny having been offered options of treatment or referral. Aside from the Code requirement for such, detailed contemporaneous records will often be useful for determining the matter when such disputes arise.