

<b>Meeting</b>	Council
<b>Date</b>	6 June 2013
<b>Title</b>	Preliminary Investigation (PI) Committee – Lay Observers' Report to Council
<b>Classification</b>	Unclassified
<b>Summary</b>	Attached is the May 2013 PI Committee Lay Observers' Report to RCVS Council, together with the PI Committee's Response
<b>Decisions required</b>	None
<b>Attachments</b>	None
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**PRELIMINARY INVESTIGATION COMMITTEE  
LAY OBSERVERS' REPORT 2013**

1. This is the fourteenth and final report of the Lay Observers. We thank our many predecessors for their contribution to the development of the College's complaints procedures which meet the high standards expected of it by members of the profession, and the public. These procedures have, in more recent years, undergone a "minor revolution" in terms of efficiency and effectiveness. Whilst there is always room for improvement (and we touch on this issue below) the College is to be congratulated on its steadfast commitment to a robust procedure for handling complaints.
2. The principle role of Lay Observers is to examine complaints, mainly from members of the public, and to contribute to the Preliminary Investigation Committee's (PIC) decision making. We strive to give a strong, clear voice on behalf of the public and to make sure that all complaints are investigated thoroughly. We have also taken the opportunity to contribute to discussion on wider policy issues.
3. As has been emphasised in previous reports, the number of complaints to the College is small when taking into account the tens of thousands of consultations and veterinary interventions that occur each year by some 18,500 home-practising registered veterinary surgeons in the UK.
4. To put this in context, a total of 755 complaints were closed by the College. Of these 10% were not progressed by complainants, 27 % were closed by Case Managers in the Professional Conduct Department because they failed to cross the threshold for potential Serious Professional Misconduct (SPMC). A total of 42% were closed by Case Examiners because there was no arguable case of SPMC. Complaints which reach the case examination stage of the Procedure are examined by a veterinary surgeon who is a member of PIC, and a Lay Observer. In some cases, where appropriate, Case Examiners gave advice to the vet (for example, in relation to communication or the need to revise standard operating procedures). When giving advice the Case Examiners believe there is a concern which needs to be highlighted to the veterinary surgeon but that the concern of itself does not cross the threshold of being an arguable case of SPMC. The PIC considered a total of 20 % of cases, Finally 10 cases referred by the PIC were considered by the Disciplinary Committee.
5. The public, and the profession more widely, can be confident that in the overwhelming majority of cases veterinary surgeons give attention to the animals under their care to the high standards that are expected and demanded. Although there is a relatively low incidence of complaints, the College is far from complacent and significant importance is placed on the need to keep the complaints and disciplinary procedures under continual review, introducing improvements as necessary.
6. We are pleased to note that, following Parliamentary approval to the Legislative Reform Order, rapid progress has been made by the College in appointing new members to serve on the PIC and Disciplinary Committee. We hope that the new members of these Committees will take stock of how current arrangements are operating, and will introduce any necessary reforms that will

improve overall efficiency and effectiveness. In particular, we hope these Committees will address concerns expressed by members of the profession and the public about the length of time taken to reach decisions. Amongst other reforms, we believe there is room for more robust case management to be introduced in order to reduce delay, and that such improvement would be welcomed by all.

7. The Performance Protocol is now well established as an effective tool to address concerns which previously could have resulted in formal disciplinary action. The Protocol is being used in appropriate cases and is enabling concerns about professional performance to be addressed in a constructive and supportive way.
8. The number of complaints received about fees continues to be of concern. The majority of practices comply with the requirements of the Code of Conduct. They provide good advice about treatment options, and give estimates of the cost of treatment. This is particularly important where treatment is on-going. Regrettably, a minority of practices fall short of best practice, resulting in client dissatisfaction and good grounds for formal complaint to the College. The Code of Conduct is clear as to the College's limited powers in relation to disputes about fees. Nevertheless it makes good business sense for all practices to take this issue seriously and to make sure that they comply with the Code.
9. In last year's report to Council, we set out in some detail our concerns in relation to the provision of 24-hour emergency first aid and pain relief. These concerns remain today. It is right that formal action should be taken against an individual veterinary surgeon who fails to meet his or her obligations under the Code of Practice. However, it is equally as important that owners, directors and leaders of those companies and practices who provide 24-hour emergency care services ensure their protocols and businesses are Code-compliant. If the profession is unable or unwilling to provide these services to the full extent required by the Code, then the College must decide whether a less onerous provision should be introduced. As things stand, there is evidence of a disconnect between the public's expectations and the profession's capacity to meet those expectations.
10. As previously reported, effective communications with clients and dealing with their concerns in an open, honest and timely manner will reduce the likelihood of the need for a formal complaint to be made. Well run practices use complaints as a means of reviewing the effectiveness of their service, and to learn lessons and review procedures where appropriate. There is no doubt that across the profession there is a greater awareness of the need to handle complaints effectively. Clinical leaders and owners of practices have a crucial role to play in this regard as do those who have responsibility for the training and development of members of the profession.
11. The annual two day training event was, as always, extremely valuable in bringing together all those involved with investigating complaints. We record our thanks to Jill Nute (Chair of PIC), Eleanor Ferguson (Head of Professional Conduct) and the staff of Penningtons Solicitors for facilitating this event.

12. We would like to thank Jill Nute for all her hard work in chairing PIC. Her inclusive approach to decision making, and her skill in managing the Committee's substantial business, ensures that our time is used productively and well.
13. We place on record our grateful thanks to Eleanor Ferguson, Mike Hepper, and all members of the Professional Conduct Department. The quality of their advice, professionalism, capacity for hard work, and commitment to dealing with complaints to the highest standards is to be commended.
14. Finally, we wish to acknowledge the outstanding contribution made by those veterinary surgeons who have served on PIC over the years. To take the most difficult decision about a fellow member of the profession (which may have far reaching consequences) requires the utmost integrity, courage, personal and professional standards of the highest order, and not a little humility. The breadth and depth of their professional knowledge and experience has proved invaluable in reaching decisions made by the Committee.

Chris Mattinson, Arun Midha, Sarah Pond and Jane Ramsey (part year)  
May 2013

#### **PRELIMINARY INVESTIGATION COMMITTEE RESPONSE TO LAY OBSERVERS REPORT**

15. The Preliminary Investigation (PI) Committee is grateful to the Lay Observers for their work reassuring the public about the complaints process, and wishes to thank them for their positive and supporting comments.
16. The Committee wishes to express its thanks to all the Lay Observers - Chris Mattinson, Sarah Pond, Arun Midha and Jane Ramsay for their commitment during the past year; Special thanks to Arun and Chris who will be stepping down shortly; for all their assistance and enthusiasm with particular mention for Chris, standing down after 8 years, for his tireless service to the Committee and the College.
17. The Committee is also pleased that the Legislative Reform Order is now in place and that this will confirm the true separation of the Committee in considering complaints, from RCVS Council which sets standards via the Code and Supporting Guidance. The Committee looks forward to welcoming new members with new ideas and outlooks and experience.
18. The Committee shares the Lay Observers desire for a speedy resolution of complaints without, in any way, compromising levels of investigation and overall service. It has noted and welcomes ongoing initiatives within the College designed to look into complaint resolution times and all other aspects of service throughout the complaints process. It anticipates a positive impact of the Legislative Reform Order in expanding the availability of potential disciplinary hearing dates.

19. In parallel with the Performance Protocol, the Committee also highlights the increasing significance of the Health Protocol. It considers that this is operating well, as an effective means of protecting animal welfare and the public whilst supporting practitioners in employment, when in the past the only recourse would have been to send the practitioner to a Disciplinary Hearing.
20. As the Lay Observers indicate, complaints continue to arise and come before the Committee relating to the provision of 24-hours emergency first aid and pain relief. In cases of sufficient gravity concerning veterinary surgeons (whether as an employee, an owner, clinical director & other), where suitable evidence of breaches of the Code presents, these cases will (and have been) forwarded to Disciplinary Hearings.
21. The Committee would like to join with the Lay Observers, in thanking Jill Nute for her Chairmanship of the Committee over the last 3 years and for the support she has provided in all aspects of the role.