

Summary	
Meeting	Council
Date	10 June 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 June 2021

Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee from March 2021 to May 2021 (26 May being the date of writing the report).
2. Since the last Report to Council (which gave information to 5 March 2021), there have been six Preliminary Investigation Committee (PIC) meetings: 10 March, 24 March, 14 April, 28 April, 12 May, 21 May and 26 May.

New cases considered by the PIC

3. The total number of new cases considered by the Committee at the three meetings referred to above is 37. Of the 37 new cases considered:
 - 23 were concluded at first consideration by the Committee. Of these:
 - 16 cases were closed with no further action, and
 - 7 cases were closed with advice issued to the veterinary surgeon.
 - 14 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 36 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.

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 6 March to 26 May 2021:

- the number of matters registered as Enquiries was 783, and
- the number of formal Concerns registered in the same period was 167.

10. The table below shows the categories of matters registered as Concerns between 6 March and 26 May 2021.

Concerns registered between 6 March and 26 May 2021

Description of Category	Number of Cases
- Advertising and publicity	0
- Certification	1
- Client confidentiality	0
- Clinical and client records	0
- Communication and consent	4
- Communication between professional colleagues	0
- Conviction/notifiable occupation notification	6
- Delegation to veterinary nurses	0
- Equine pre-purchase examinations	1
- Euthanasia of animals	3
- Giving evidence for court	0
- Health case (<i>potential</i>)	1
- Microchipping	0
- Miscellaneous	8
- Practice information, fees & animal insurance	1
- Referrals and second opinions	0
- Registration investigation	0
- 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	138
- Veterinary medicines	2
- Veterinary teams and leaders	0
- Whistle-blowing	0
- 24-hour emergency first aid and pain relief	2
- Unassigned	0
Total	167

Data source – Profcon computer system concerns data.

Referral to Disciplinary Committee

11. In the period 6 March 2021 to 26 May 2021, the Committee has referred four cases involving three veterinary surgeons to the Disciplinary Committee.

Veterinary Investigators

12. The Veterinary Investigators and the Chief Investigator have undertaken four visits since the last report. The first was an unannounced visit to serve signed statements on a veterinary surgeon who had failed to respond to numerous communications from the RCVS in relation to a concern. The second was an announced follow-up visit to a veterinary surgeon on a held open concern to ensure their compliance with specific areas of the Code of Conduct. The third was a follow-up visit to a veterinary surgeon in relation to an ongoing case being considered by the Committee. The fourth was a visit to hand-deliver signed statements to a veterinary surgeon who had failed to respond to numerous communications from the RCVS. In addition, the Veterinary Investigators have carried out two joint visits with the Veterinary Medicines Directorate (VMD) to veterinary practices where specific concerns have been identified, in particular that acts of veterinary surgery were being performed by laypeople. The Veterinary Investigators provide advice as to the use of equipment or medicines to assist in identifying potential breaches of the Veterinary Surgeons Act (VSA) 1966 or Veterinary Medicines Regulations (VMRs).

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 March 2021 and April 2021 (the last complete month) the number of cases concluded and achieving the KPI is 82% and 62% respectively. The compliance rate continues to fluctuate, due to a number of different factors. As previously reported, staff changes and furloughing have placed a greater burden on Case Managers, which can contribute to delays. There has also been a significant increase in the volume of enquiries and concerns received in the first months of this year – for example the average monthly number of concerns since the start of the year is 65, compared with an average of 41 in the last year, an increase of more than 50%. Practitioners continue to work under different working arrangements, which can mean that further time is needed by them to respond to concerns raised. As reported previously, other members of the Profcon Department are working to help progress cases and answer enquiries to try to minimise delays. The Key Performance Indicators (KPIs) and rates of compliance have been the subject of detailed reporting and discussion at PIC/DC Liaison earlier this month.
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 6 March 2021 to 26 May 2021, the PIC reached a decision (to close, hold open or refer to DC) within the relevant KPI:
- in 21 out of 26 simple cases (81%).

16. Five complex cases were decided, of which none met the 12-month KPI. In accordance with normal practice, cases and KPI compliance in general are reported and discussed in more detail at the PIC/DC Liaison Committee meeting. To provide a little more information, when matters are reported to PIC/DC Liaison Committee, a “traffic light” colour coding system is used to indicate whether the delays were avoidable (red), unavoidable (green) or a combination of the two (yellow). Of the five cases referred to above, one was coded as yellow and four were coded as green. While two of the matters had not been referred at the time of the last meeting, explanations have or will be provided to the Committee.

Operational matters

17. A Case Manager left in February and a new Case Manager was recruited to replace them at the end of March and is making good progress. Another Case Manager who had been flexibly furloughed returned to work full time in the middle of April. In addition, a new Case Manager with a slightly different role is due to start in June. The aim of this recruitment is to allow one team member to have greater flexibility to help out where needed (for example, during absences), rather than assuming a normal case load. It is hoped that this will assist the team in meeting the KPIs by minimising internal delays.
18. Induction for new PIC members is planned for 16 June and a training session for all PIC members and staff has been arranged for 30 June 2021, details to be confirmed.