

Summary	
Meeting	Council
Date	8 June 2023
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 2023

Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee in March, April and part of May 2023 (26 May 2023 being the date of writing the report).
2. Since the last Report to Council (which gave information to 3 March 2023), there have been 6 Preliminary Investigation Committee (PIC) meetings (8 March, 22 March, 12 April, 26 April, 10 May and 24 May 2023).

New cases considered by the PIC

3. The total number of new cases considered by the Committee at the 6 meetings referred to above is 10. Of the 10 new cases considered:
 - 4 were concluded at first consideration by the Committee. Of these:
 - 2 cases were closed with no further action, and
 - 1 case was closed with advice issued to the veterinary surgeon.
 - 1 case was held open with advice issued to the veterinary surgeon.
 - 6 cases were referred for further investigation, that is, further enquiries, visits and/or preliminary expert reports.
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 49 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 no veterinary surgeons either under assessment or currently on the RCVS Health Protocol. The two veterinary surgeons who had been subject to the protocol were discharged in April after having been subject to the protocol for some time without any relevant issues coming to light.

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 4 March to 26 May 2023,

- the number of matters registered as Enquiries was 748, and
- the number of formal Concerns registered in the same period was 121.

10. The table below shows the categories of matters registered as Concerns between 4 March and 26 May 2023.

Concerns registered between 4 March and 26 May 2023

Description of Category	Number of Cases
- Advertising and publicity	1
- Appeal against DC decision	0
- Certification	3
- Client confidentiality	0
- Clinical and client records	5
- Clinical governance	0
- Communication and consent	3
- Communication between professional colleagues	0
- Conviction	2
- CPD compliance	0
- Delegation to veterinary nurses	2
- Equine pre-purchase examinations	1
- Euthanasia of animals	1
- Giving evidence for court	1
- Health case (<i>potential</i>)	2
- Illegal practice	1
- Microchipping	0
- Miscellaneous	1
- Practice information, fees & animal insurance	1
- Performance case (<i>potential</i>)	1
- Recognised veterinary practice	0
- Referrals and second opinions	0
- Registration investigation	1
- Restoration application	0
- Social media and networking forums	1
- Treatment of animals by unqualified persons	0
- Use of samples, images, post-mortems and disposal	0

- Veterinary care	86
- Veterinary medicines	1
- Veterinary teams and leaders	0
- Whistle-blowing	2
- 24-hour emergency first aid and pain relief	5
- Unassigned	0
Total	121

Data source – Profcon computer system concerns data.

Referral to Disciplinary Committee

11. In the period 4 March to 26 May 2023, the Committee has referred 4 cases involving 4 veterinary surgeons to the Disciplinary Committee.

Veterinary Investigators

12. The Chief Investigator and veterinary investigators have undertaken six visits since the last report. The first was at the request of the police to assist them, Defra Investigation Services and the VMD to execute search warrants on AI businesses. The second was a visit to locate an individual purporting to be a veterinary surgeon. The third was an unannounced visit to a veterinary surgeon to serve disciplinary documents. The fourth was a joint unannounced visit with the VMD to a veterinary practice to check its administration and monitoring of prescriptions, as requested by PIC. The fifth was at the request of Sussex Police to assist in executing search warrants and the sixth was an unannounced visit to a veterinary surgeon to serve disciplinary bundles.

Concerns procedure

13. As Council is aware, the process for the consideration of concerns changed at the beginning of October 2022. Previously, Stage 1 of the process, involved a Case Examiner Group (CEG), which aimed to decide 90% of cases within four months of registration of the complaint (the Stage 1 KPI). In January 2023, that KPI was met in 92% of the cases considered. Since October when the process changed, concerns cases have been considered by a Stage 1 PIC, which is larger than a CEG and considers matters to the realistic prospect test (rather than the lower threshold of “arguable case”).

14. A detailed report was provided to PIC/DC Liaison Committee in May explaining how the new process is progressing and analysing the factors relevant to the timescales involved. An audit of the cases that closed in February and March showed that of the 55 cases that closed, 10 would have progressed to Stage two under the old Case Examiner Group threshold of presenting an “arguable case”. Clearly, it is early to be making predictions, but that representative sample would suggest that around 20% fewer cases will progress to Stage two than under the previous process. Council will be aware that this was one of the principle aims of revising the process, in view of the additional strain that can be caused to Respondents when matters progress to Stage two, along with the difficulties inherent in managing the expectations of Complainants.

15. Having considered the detailed report provided, PIC/DC Liaison Committee considered that it is too early in the life of the new process to set a new KPI, and that it would be appropriate to defer

doing so until it has had chance to "bed in" further. The Committee will continue to monitor the progress of cases and make a decision in due course.

16. In the meantime, it was agreed that it would be useful to report the median number of weeks taken for cases to conclude at Stage one under the new process. So far, the median number of weeks taken for February, March and April have been 13, 13.3, and 14.9 respectively.
17. 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.
18. In the period 4 March 2023 to 26 May 2023, the PIC reached a decision (to close, hold open or refer to DC) within the relevant KPI in 2 out of 5 simple cases.
19. 10 complex cases were decided, of which 3 met the 12-month KPI. In accordance with normal practice, these cases (and KPI's in general) are reported and discussed in detail at the PIC/DC Liaison Committee meeting.

Operational matters

20. As above, the new process is progressing well, with all those involved working hard to ensure its smooth running. Cases are being monitored carefully to ensure consistency and timely progression.
21. The training for the PIC in relation to the new Charter Case Committee was postponed and will take place shortly, with a date to be confirmed. A full day's general training was held for PIC and VNPIC members, along with members of the Professional Conduct department, with talks on relevant issues and case law, and case studies for discussion.