

<b>Summary</b>	
Meeting	Council
Date	18 March 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
Authors	<p>Chris Murdoch Senior Case Manager <a href="mailto:c.murdoch@rcvs.org.uk">c.murdoch@rcvs.org.uk</a></p> <p>Gemma Crossley Head of Professional Conduct <a href="mailto:g.crossley@rcvs.org.uk">g.crossley@rcvs.org.uk</a></p>

<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>
Private	<ol style="list-style-type: none"> <li>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</li> </ol>

## Preliminary Investigation Committee

### Report to Council March 2021

#### Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee from January 2021 to March 2021 (5 March being the date of writing the report).
2. Since the last Report to Council (which gave information to 7 January 2021), there have been three Preliminary Investigation Committee (PIC) meetings: 20 January, 3 February and 17 February.

#### 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 13. Of the 13 new cases considered:
  - 6 were concluded at first consideration by the Committee. Of these:
    - 2 cases were closed with no further action, and
    - 3 cases were closed with advice issued to the veterinary surgeon.
    - 1 case was held open for a period of 12 months 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 29 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 8 January 2021 to 5 March 2021,
- the number of matters registered as Enquiries was 586, and
  - the number of formal Concerns registered in the same period was 123.
10. The table below shows the categories of matters registered as Concerns between 8 January and 5 March 2021.

#### **Concerns registered between 8 January and 5 March 2021**

<b>Description of Category</b>	<b>Number of Cases</b>
- Advertising and publicity	0
- Certification	2
- Client confidentiality	0
- Clinical and client records	2
- Communication and consent	4
- Communication between professional colleagues	0
- Conviction/notifiable occupation notification	4
- Delegation to veterinary nurses	0
- Equine pre-purchase examinations	0
- Euthanasia of animals	3
- Giving evidence for court	0
- Health case ( <i>potential</i> )	1
- Microchipping	1
- Miscellaneous	7
- 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	89
- Veterinary medicines	3
- Veterinary teams and leaders	0
- Whistle-blowing	0

- 24-hour emergency first aid and pain relief	1
- Unassigned	1
<b>Total</b>	<b>123</b>

Data source – Profcon computer system concerns data.

### Referral to Disciplinary Committee

11. In the period 8 January 2021 to 5 March 2021, the Committee has referred two cases involving one veterinary surgeon to the Disciplinary Committee.

### Veterinary Investigators

12. The Veterinary Investigators have not carried out any visits during the reporting period, due to the current lockdown restrictions.

### 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 January 2021 and February 2021 (the last complete month) the number of cases concluded and achieving the KPI is 76% and 70% respectively. This represents a disappointing dip in compliance since the end of last year, caused in part by one Case Manager leaving and another being placed on flexible furlough (so working half their ordinary hours). This is in addition to the difficulties encountered by respondents who have been furloughed, or whose working arrangements have been affected by the pandemic, which cause delays in the provision of responses or information. Urgent efforts are being made to replace the team member who has left, although the ongoing pandemic also poses challenges for recruitment. Other members of the team are working to help alleviate the burden on Case Managers by assisting with casework and handling enquiries. We are doing all that we can to ensure that this is a temporary dip, and that compliance improves as quickly as possible.

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 8 January 2021 to 5 March 2021, the PIC reached a decision (to close, hold open or refer to DC) within the relevant KPI:

- in 5 out of 6 simple cases (83%).

16. The case that did not meet the KPI took eight months and was delayed because the Respondent initially failed to respond and then required further time due to the pandemic.

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 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). The two cases referred to above (which were linked and related to one practitioner) were coded as yellow, and an explanation provided to the Committee.

**Operational matters**

18. The Committee continues to meet remotely and Committee members in general feel that the virtual meetings are working well. As explained above, recruitment is ongoing to try to bring the Case Manager team back up to its full strength so that compliance with KPIs will improve.