

Summary	
Meeting	Council
Date	11 November 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 c.murdoch@rcvs.org.uk</p> <p>Gemma Crossley Head of Professional Conduct g.crossley@rcvs.org.uk</p>

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 November 2021

Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee from June 2021 to October 2021 (1 November being the date of writing the report).
2. Since the last Report to Council (which gave information to 26 May 2021), there have been eleven Preliminary Investigation Committee (PIC) meetings: 9 June, 23 June, 7 July, 21 July, 4 August, 11 August, 25 August, 15 September, 29 September, 13 October and 27 October.

New cases considered by the PIC

3. The total number of new cases considered by the Committee at the eleven meetings referred to above is 43. Of the 43 new cases considered:
 - 33 were concluded at first consideration by the Committee. Of these:
 - 19 cases were closed with no further action, and
 - 14 cases were closed with advice issued to the veterinary surgeon.
 - 10 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 39 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 27 May to 31 October 2021:
- the number of matters registered as Enquiries was 1688, and
 - the number of formal Concerns registered in the same period was 298.
10. The table below shows the categories of matters registered as Concerns between 27 May and 31 October 2021.

Concerns registered between 27 May and 31 October 2021

Description of Category	Number of Cases
- Advertising and publicity	4
- Certification	3
- Client confidentiality	1
- Clinical and client records	2
- Communication and consent	16
- Communication between professional colleagues	0
- Conviction/notifiable occupation notification	9
- CPD compliance	1
- Delegation to veterinary nurses	0
- Equine pre-purchase examinations	3
- Euthanasia of animals	10
- Giving evidence for court	0
- Health case (<i>potential</i>)	2
- Microchipping	0
- Miscellaneous	13
- Practice information, fees & animal insurance	5
- Referrals and second opinions	0
- Registration investigation	0
- Restoration application	1
- Social media and networking forums	3
- Treatment of animals by unqualified persons	0
- Use of samples, images, post-mortems and disposal	0
- Veterinary care	213
- Veterinary medicines	7
- Veterinary teams and leaders	1

- Whistle-blowing	0
- 24-hour emergency first aid and pain relief	4
- Unassigned	0
Total	298

Data source – Profcon computer system concerns data.

Referral to Disciplinary Committee

11. In the period 27 May 2021 to 31 October 2021, the Committee has referred five cases involving five veterinary surgeons to the Disciplinary Committee.

Veterinary Investigators

12. The Veterinary Investigators and the Chief Investigator have undertaken one visit since the last report. This was a follow-up visit on a held open case to ensure the veterinary surgeon's compliance with specific areas of the Code of Conduct. In addition, the Veterinary Investigators have carried out a joint visit with the VMD to a wildlife animal hospital and a visit with the Police to a veterinary practice to execute a search warrant.

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). In the months since the last Report to Council the compliance rates have been: May – 76%, June - 65%, July – 78%, August – 67%, September – 68% and October 75%. 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. While the furloughing scheme has come to an end, delays incurred earlier in the year have an impact on the compliance rates in the months following. Unfortunately, there have also been further staff changes during the reporting period, leading to ongoing disruption. 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 make it difficult for them to respond in a timely fashion. As reported previously, other members of the Profcon Department are working to help progress cases and answer enquiries to try to minimise delays. The 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 27 May 2021 to 31 October 2021, the PIC reached a decision (to close, hold open or refer to DC) within the relevant KPI:

- in 26 out of 35 simple cases (74%).

16. Six complex cases were decided, of which four 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.

Operational matters

17. As stated above, further staff changes have taken place in the department, with two Case Managers leaving in August. Two new Case Managers have been recruited and are due to start in November and December. Further recruitment to increase the number of Case Managers to try to reduce disruption is underway. A new disciplinary solicitor started in September to replace one that had moved on and is settling in well and taking on an increasing number of cases.

18. New PIC members were inducted in June and have settled in well. Training sessions for all PIC members and staff took place on 30 June and 22 September covering a range of issues and case studies, including conflicts of interest and the use of formal advice to respondents. A further training session is to take place on 19 November.