

<b>Summary</b>	
Meeting	Council
Date	10 November 2022
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 November 2022

#### Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee in June, July, August, September and October 2022 (31 October 2022 being the date of writing the report).
2. Since the last Report to Council (which gave information to 30 May 2022), there have been 10 Preliminary Investigation Committee (PIC) meetings.

#### New cases considered by the PIC

3. The total number of new cases considered by the Committee at the 10 meetings referred to above is 44. Of the 44 new cases considered:
  - 22 were concluded at first consideration by the Committee. Of these:
    - 10 cases were closed with no further action, and
    - 9 cases were closed with advice issued to the veterinary surgeon.
    - 3 cases were held open with advice issued to the veterinary surgeon.
  - 22 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 51 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 30 May to 31 October 2022,

- the number of matters registered as Enquiries was 1343, and
- the number of formal Concerns registered in the same period was 215.

10. The table below shows the categories of matters registered as Concerns between 30 May and 31 October 2022.

**Concerns registered between 30 May and 31 October 2022**

<b>Description of Category</b>	<b>Number of Cases</b>
- Advertising and publicity	0
- Appeal against DC decision	0
- Certification	2
- Client confidentiality	2
- Clinical and client records	2
- Clinical governance	0
- Communication and consent	6
- Communication between professional colleagues	1
- Conviction/notifiable occupation notification	2
- CPD compliance	1
- Delegation to veterinary nurses	0
- Equine pre-purchase examinations	2
- Euthanasia of animals	6
- Giving evidence for court	0
- Health case ( <i>potential</i> )	0
- Microchipping	0
- Miscellaneous	2
- Practice information, fees & animal insurance	0
- Performance case ( <i>potential</i> )	0
- Recognised veterinary practice	0
- Referrals and second opinions	0
- Registration investigation	0
- Restoration application	1
- Social media and networking forums	0
- Treatment of animals by unqualified persons	0
- Use of samples, images, post-mortems and disposal	0
- Veterinary care	171
- Veterinary medicines	5
- Veterinary teams and leaders	0

- Whistle-blowing	2
- 24-hour emergency first aid and pain relief	10
- Unassigned	0
<b>Total</b>	<b>215</b>

*Data source – Profcon computer system concerns data.*

### Referral to Disciplinary Committee

11. In the period 30 May to 31 October 2022, the Committee has referred 3 cases involving 3 veterinary surgeons to the Disciplinary Committee.

### Veterinary Investigators

12. The Chief Investigator has undertaken 7 visits since the last report. The first was an unannounced joint visit with the VMD to an animal rescue centre to investigate an alleged breach of the Veterinary Surgeons Act and Veterinary Medicines Regulations. The second was an announced visit to a veterinary practice at the request of the Preliminary Investigation Committee. The third was an announced visit to a witness on a case to discuss potential evidence. The fourth was an unannounced visit to serve disciplinary Committee papers on a Respondent veterinary surgeon who had failed to engage with the College. The fifth was an unannounced visit to serve Notices of Inquiry on two Respondents who had failed to engage with the College. The sixth was an announced visit to assist witnesses giving evidence remotely to the Disciplinary Committee. The seventh was an unannounced visit to a Respondent to hand deliver the Disciplinary Committee decision.

### 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 five months since the last Report to Council the KPI has been met in 94%, 94%, 84%, 94% and 97% of cases respectively. As explained in previous reports, an expanded team has made a significant difference to the number of cases that can be resolved within the four-month period, and we are really pleased with the progress made.
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 30 May to 31 October 2022, the PIC reached a decision (to close, hold open or refer to DC) within the relevant KPI in 13 out of 23 simple cases.
16. 8 complex cases were decided, of which 2 met the 12-month KPI. In accordance with normal practice, these cases (and KPI's in general) have been reported and discussed in detail at the PIC/DC Liaison Committee meeting.

### Operational matters

17. The expanded team of Case Managers has had a marked effect on the progression of matters that can be concluded without significant investigation, and this is reflected in the number of

cases at Stage one that have met the KPI. As ever, we are working hard to progress all the cases that go through the concerns process as swiftly and efficiently as possible.

18. PIC meetings are continuing to alternate between remote and face-to-face, an arrangement that seems to work to the satisfaction of members.
19. Training for members of the department and Committee members, both new and existing, took place on 23 September. This covered the changes to the process, a variety of other legal and procedural discussions, case studies, and updates to the relevant field of law. Further training will take place early next year.