

RCVS response to the Defra consultation on the proposed legislative reform order to amend the Veterinary Surgeons Act 1966

1. The following response is made on behalf of the Royal College of Veterinary Surgeons (RCVS). The RCVS is the regulatory body for veterinary surgeons in the UK. The role of the RCVS is to safeguard the health and welfare of animals committed to veterinary care through the regulation of the educational, ethical and clinical standards of veterinary surgeons and nurses, thereby protecting the interests of those dependent on animals, and assuring public health. It also acts as an impartial source of informed opinion on relevant veterinary matters.

Unequivocal support

2. The RCVS gives its unequivocal support to the proposed legislative reform order (LRO) and the principles upon which it is based.
3. The amendments brought about by the LRO to the Veterinary Surgeons Act 1966 (VSA) will enable the RCVS to reconstitute its disciplinary committees independently of the RCVS Council, to ensure that the same group of people is not responsible for setting the rules, investigating complaints and hearing cases. Following the LRO, the RCVS Preliminary Investigation and Disciplinary Committees will comprise veterinary surgeons and lay members who are not RCVS Council members, and who can be appointed independently.
4. The LRO proposals are in the interests of the public and the profession. They will serve to bring the RCVS in line with modern regulatory best practice and will improve the public perception of the independence of the RCVS disciplinary processes.
5. In December 2011, the Privy Council dismissed an appeal against a decision of the RCVS Disciplinary Committee to strike a veterinary surgeon off the Register. In their findings, their Lordships noted that the RCVS had gone to “elaborate efforts” to separate the membership and work of the three RCVS Committees that produce guidance, investigate complaints and adjudicate on complaints, and had made “strenuous attempts” to ensure its disciplinary procedures were fair and in accordance with human rights legislation. Nevertheless, their Lordships recognised that the College’s regulatory framework was constrained by the existing Veterinary Surgeons Act and therefore they “support[ed] statutory reform so as to enable members of the disciplinary committees to be chosen from outside the council”.
6. The RCVS considers that the proposed LRO will also serve to provide two further benefits. First, it will improve the perceived independence of the RCVS disciplinary processes by formally bringing lay people into the relevant Committees. Second, the LRO will increase the pool of people available to investigate complaints and sit on disciplinary hearings, thus allowing the RCVS’ increasingly complex disciplinary caseload to be more efficiently handled, thereby ensuring that complaints are heard swiftly.

Comments from the Disciplinary Committee and Preliminary Investigation Committee

7. Following the launch of the Defra consultation, the RCVS Disciplinary Committee (DC) and the Preliminary Investigation Committee (PIC) considered the consultation and the LRO proposals it contained, so as to provide expert comment based on their experience at the ‘coal-face’ of the disciplinary processes. The comments from these Committees provided the basis for discussion

on the proposed LRO at the 1 March 2012 meeting of RCVS Council (this paper is available on the RCVS website www.rcvs.org.uk).

8. It is important to note, however, that the discussion in Council and the comments from the Committees do not detract from the full support given by the RCVS to the proposals. The purpose of the discussion and comments, outlined below, was to consider whether there was any way that the details of the proposals might be refined and to consider how the RCVS bye-laws and DC Guidance could be used to ensure that the RCVS is working at the forefront of regulatory best practice, if and when the proposals are implemented.
9. The Chairmen of DC and PIC reported to RCVS Council that their Committees were strongly supportive of the LRO proposals. The PIC Committee Chairmen noted particular support for the formal membership and voting role that the LRO would provide to the lay members in the newly-formed committee.
10. The proposal to reduce the DC quorum from five to three persons dominated discussions in RCVS Council and was highlighted by the DC in their review of the consultation. The RCVS Council and the DC support a position whereby the RCVS will, as proposed, convene disciplinary hearings with a quorum of three, but the Committee will usually meet with between five and seven members, as appropriate, to preserve the quorum in circumstances such as illness (except for the most straightforward hearings, such as restorations).
11. Regarding the composition of lay and veterinary surgeon members on the Committee, DC noted that the consultation proposals state that a minimum of one third of the Committee should be lay persons. DC, however, suggested that a requirement of '40%, but no more than 50%' might be more appropriate, and that a 50:50 ratio might be preferred. The RCVS notes that the composition of the quorum provides the primary safeguard and not the composition of the Committee itself.
12. The proposed size of the committees was also discussed at Council. The RCVS is satisfied that the current proposals provide the College with the necessary flexibility to choose the required size of the Committee dependent upon current and anticipated caseload. However, questions have been raised as to whether the amended legislation needs to make specific reference to the minimum and maximum sizes of the Committees or whether this could be left entirely to the discretion of the College.
13. The consultation proposals impose a two-term limit on the membership of the statutory Committees. The RCVS recognises that a maximum of two terms of office is now common practice amongst other regulatory bodies. DC noted, however, that to optimise the benefits of experience and training, those joining the Committee should be expected to serve for two terms, assuming that they satisfied the appraisal system. This may reduce the selection costs.
14. The minutes and papers from RCVS Council meetings can be accessed at the RCVS website (www.rcvs.org.uk).
15. If clarification on the above comments is required, please do not hesitate to contact the College. Representatives from the RCVS would be happy to meet with officials and Ministers to discuss and expand upon this statement.