

## RCVS Report to Defra on the Review of Minor Procedures Regime (RMPR) January 2019

### Introduction

1. The Royal College of Veterinary Surgeons (RCVS) is a regulatory body tasked with setting and upholding the standards of veterinary surgeons and veterinary nurses in the United Kingdom for the purpose of upholding animal health and welfare, and in turn public health. The RCVS operates under the Veterinary Surgeons Act 1966 (VSA), which restrict the practice of veterinary surgery to veterinary surgeons whose name is held on a Register by the RCVS. In addition, the RCVS has a Royal Charter which, among other things, defines the role and regulatory underpinning of veterinary nurses as Associates of the RCVS. The Royal Charter also contains provisions for the RCVS to create and regulate other groups as Associates in future.
2. There are some exceptions to the restriction of veterinary surgery to veterinary surgeons. Some exceptions are created via the VSA's 'Exemption Orders' which allow various groups to undertake minor acts of veterinary surgery. The VSA's Schedule 3 also allows certain minor acts of veterinary surgery to be undertaken by veterinary nurses (who are regulated by the RCVS) and by farmers (who are not subject to any regulatory body).
3. In January 2016, the Department for Environment Food & Rural Affairs (Defra) invited the RCVS to review the current framework of exemption orders, to make recommendations as to how they could be improved and to develop a framework that would promote consistency in exemption orders going forward. The underlying aim of the review was to establish a set of proposals which would further secure animal health and welfare and boost consumer confidence, and regularise existing practices where no overriding animal welfare issues exist..
4. It was recognised that the exemption orders had a possible connection with the work the RCVS was carrying out in relation to defining associate status and as a result, the Exemption Orders and Associates Working Party was formed.
5. The working party's terms of reference included:
  - a. *To review each existing exemption order and decide whether or not the relevant act of veterinary surgery is suitable for an appropriately trained lay person to carry out;*
  - b. *To assess whether the terms of the existing exemption orders are adequate to ensure animal welfare is protected and if not, what (if any) amendments should be made to achieve this aim;*
  - c. *To assess whether there are acts of veterinary surgery that should be subject to an exemption order but, at present, are not.*

- d. *To consider whether the development of a 'master exemption order' which can be used as a template for all exemption orders is possible and if so, whether it is desirable;*
  - e. *To further develop the criteria to be applied when assessing applications for RCVS associate status.*
6. The working party completed its review in early 2017, and its recommendations were approved by RCVS Council members at its June 2017 meeting. The working party subsequently met with numerous paraprofessional groups in order to explain its proposals and ensure that the final recommendations encompassed all paraprofessionals who undertake acts of veterinary surgery. Further revisions were made to the recommendations by the RCVS legislation Working Party following further legal advice.
7. This report presents the RCVS's recommendations following this review.

## Exemption orders

8. Exemption orders permit lay people to carry out certain minor acts of veterinary surgery in particular circumstances. For a procedure to be eligible for an exemption order, it must be either a test, a treatment or an operation which is considered to be 'minor'.

## Review process

9. The working party began the review process by developing a framework that could be applied to all exemption orders, both existing and in the future. The working party felt that this approach would promote consistency going forward. This process was informed by legal advice which stressed that exemption orders could only be used for the most minor acts of veterinary surgery, by individuals requiring only very limited training. From this, the working party developed a flow chart and accompanying guidance notes in order to assist decision making in relation to whether certain procedures are suitable for an exemption order. As such, the flow chart can be used to assess the current exemption orders as well as future potential exemption orders, thereby promoting consistency. The flow chart and guidance notes can be found at **Annexes B and C** respectively.
10. So as to better inform its review, the working party consulted with the relevant specialist BVA divisions and Animal Health and Welfare Sector Councils. The working party divided up the existing exemption orders by species (production animal, poultry, equine and small animal) and allocated them to be discussed at specific species-focused meetings. A full list of attendees for these meetings can be found at **Annex D**. During these meetings, a number of new exemption orders were suggested, however, in some instances, the working party was unsure as to whether particular procedures could be considered acts of veterinary surgery. As such, the working party referred a number of matters to the Standards Committee for consideration (discussed in more detail below).

11. Following the specific species group-focused meetings, the working party continued to work with the BVA divisions and sector councils in order to develop its proposals. In addition, the working party sought legal advice on a number of matters to clarify the position and ensure that it was approaching the review correctly.
12. Following the decision of the Standards Committee, the working party met to finalise its recommendations in relation to existing orders and new orders, and these recommendations were subsequently approved by RCVS Council. These recommendations can be found at **Annex E**.

### Overarching principles

13. As mentioned above, one of the issues prompting the review of exemption orders was the lack of consistency between the orders. These inconsistencies were confirmed during the review process. As a result the working party actively sought to identify conditions that were overarching and could be applied to most, if not all, orders.
14. The most obvious example of inconsistency is in relation to age limits. Some of the orders require individuals carrying out procedures to be over the age of 18, some 16 and some have no age limitation at all. In addition this, the working party identified two further overarching areas. One of the current exemption orders has a condition that if an individual has been convicted of an animal welfare offence then they should not be permitted to carry out the procedure. The working party felt that this condition should be applied to all orders, although they felt that in most cases a 'lifetime' ban would be inconsistent with human rights legislation. The second area relates to orders which require some degree of training, competence or qualification. Only one order requires the practitioner to keep their skills up-to-date and, again, the working party felt that this should apply to across the board.
15. These areas for overarching conditions were presented and discussed at the species group meetings and received approval from the attendees.
16. The recommended overarching conditions are therefore as follows:
  - a. Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of supervised training in which case they must be over the age of 16;
  - b. If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer);
  - c. Certificate of competence/training/qualifications should be 'revalidated' every two years.

### Orders to be repealed

17. Following consultation with the species groups, the RCVS recommends that the following exemption orders be repealed, together with the reason for its recommendation:
  - a. Desnooding of turkeys – obsolete;

- b. Removal of comb from poultry – obsolete;
- c. Epidural anaesthesia in bovines – cannot properly be categorised as minor and as such, is not eligible for an exemption order.
- d. Physiotherapy – the existing EO is inadequate, and should be replaced via a reform of Schedule 3 (see below)

### Proposed new orders

18. Part of the working party's remit when carrying out this review was to identify areas where lay persons were currently carrying out minor procedures and to assess whether or not those procedures required an exemption order. In other words, were the procedures in question minor acts of veterinary surgery? As with the proposed amendments to the current exemption orders, the proposed new orders take the form of recommendations and as such the status quo will remain unless and until the recommendations are acted upon by Defra.
19. The proposed new orders are set out in **Annex E**, however some background in relation to some of the areas is provided below.

### Artificial insemination (AI) of bitches

20. There are three possible methods of AI in dogs: intravaginal, transcervical and surgical. Using the flow chart, the working party formed the view that surgical AI was not a minor procedure and therefore not suitable for an exemption order, however it sought advice from the Canine and Feline Sector Council in relation to the other two methods. The view of the sector council was that lay persons or technicians could carry out both intravaginal and transcervical AI safely following suitable training, however it did not believe there was a public interest in exempting transcervical AI due to its close association with the need to use surgical AI.
21. In light of the above, the working party sought advice from the Standards Committee as to whether intravaginal AI was an act of veterinary surgery. The Standards Committee decided that it was an act of veterinary surgery due to the fact the procedure was invasive and had the potential to cause harm. As such, the working party have recommended that this procedure be exempted subject to the conditions set out in **Annex E**.

### Subcutaneous microchipping of animals

22. At present the RCVS' position is that subcutaneous microchipping is not an act of veterinary surgery. As a result of discussions between the working party and species groups, the working party referred this issue back to the Standards Committee as it felt that in light of the level of training required and the potential for harm, it could be classified as an act of veterinary surgery. The Standards Committee agreed with this rationale and decided that, on balance, subcutaneous microchipping is an act of veterinary surgery. Further, the Microchipping of Dogs Regulations require microchipping to be carried out by a suitably trained person, and it would be anomalous for this not to be the case for other animals. As such, the working party have recommended that this procedure is suitable for an exemption order (see **Annex E**). Appropriate provisions for equids already exist.

23. As explained above, the proposals made by the working party are only recommendations at the present time and so the current position in relation to subcutaneous microchipping by lay persons will continue as it is unlikely to be considered to be in the public interest to change RCVS policy at this time. This is a similar position to that which exists in relation to equine dental technicians, discussed more below.

### Schedule 3 Reform

24. We have seen above that while considering 'minor' procedures undertaken by certain paraprofessions, the working party concluded that some procedures that had previously not been considered acts of veterinary surgery were of sufficient potential harm that they should be covered by exemption orders. In addition, the working party concluded that some acts of veterinary surgery currently covered by exemption orders were insufficiently minor (in terms of risk or level of training required, or because they are a body of practices rather than individual acts) to be suitable for exemption orders. Following legal advice, RCVS Council suggest that a legal framework be created for these activities by adding the relevant professions to Schedule 3 of the Veterinary Surgeons Act.
25. The following section examines the relevant paraprofessions, and gives recommendations on how different aspects of their practice could be properly regulated.

### Equine dental technicians (EDTs)

26. Many procedures routinely carried out by EDTs are considered acts of veterinary surgery, however there is currently no exemption order or other legislative mechanism permitting those procedures to be carried out by non-veterinarians. The RCVS has previously taken the view that while this was unsatisfactory, there would be no public interest in pursuing qualified EDTs for offences under the Veterinary Surgeons Act 1966 (VSA) so long as they comply with guidance issued by BEVA and drafted in conjunction with the RCVS, the British Veterinary Dental Association (BVDA) and the British Association of Equine Dental Technicians.
27. The full guidance can be found at **Annex G**. However, in essence, it breaks down procedures involving equine teeth into three categories:
- a. Category one – not classified as acts of veterinary surgery, can be carried out by individuals 'after recognised training without specific attainment of qualifications';
  - b. Category two – acts of veterinary surgery, may be delegated 'to an EDT who has trained and passed an examination approved by Defra';
  - c. Category three – acts of veterinary surgery, restricted to veterinary surgeons and not suitable for delegation.
28. As a result of the above situation, and, aside from the recommendations in relation to category one procedures outlined above, the RCVS recognised that there is a need to develop a legitimate basis on which EDTs may carry out category two procedures.

29. During the course of the review it became clear that category two procedures would not be suitable for an exemption order due to the fact that the procedures could not properly be classified as 'minor'. Through their research, the working party discovered that in order to attain the level of qualification required in order to carry out category two procedures safely, EDTs train as an apprentice with a BEVA/BVDA qualified EDT for a period of two to three years and then sit the examination. Further, category two procedures have the potential to cause serious harm if carried out by untrained EDTs. In light of this, the working party ultimately concluded that the potential for harm and level of qualification required was inconsistent with the procedures being categorised as minor. It should be noted that this position is consistent with the legal advice received by the working party.
30. In light of this, the working party considered alternative ways in which category two procedures might be legalised and sought legal advice on whether it would be possible to extend Schedule 3 of the VSA to include them. In essence, the advice received was that it *might* be possible, however it will depend on whether or not Defra and the parliamentary draftsman considers that this amendment goes beyond the purpose of the VSA (i.e. regulating veterinary surgeons and reserving acts of veterinary surgery to them).
31. The RCVS's recommendation in relation to EDTs is therefore that, if possible, Schedule 3 should be amended to include a provision allowing properly and appropriately qualified EDTs to carry out category two procedures in suitable circumstances.
32. The RCVS has taken further legal advice which suggests that categorisation via detailed lists of what EDTs can do would be too unwieldy and inflexible to be practicable in terms of Schedule 3 reform, and that two levels of paraprofessional work could be overly complex. Following discussions with the various interest groups there are also concerns that a residual 'exemption order' category of procedures is unnecessary and confusing to the public. The RCVS therefore proposes that the Category system be reformed as follows, and that this structure be used across all relevant paraprofessions to ensure consistency:
  - a. Category One – a 'class of procedures' that could be delegated to EDTs via a reformed Schedule 3;
  - b. Category Two – a list of non-minor acts of veterinary surgery that should only be carried out by veterinary surgeons."
33. Category One would not list specific procedures, but would name a class of procedures that amount to minor acts of veterinary surgery (e.g. 'equine dentistry') similarly to how the existing Schedule 3 Part I works for veterinary nurses. This would allow for flexibility, future-proofing, and maintain the principle that veterinary surgeons can exercise their professional judgement when delegating work to paraprofessionals. Category Two would list specific exceptions to Category One, similarly to how the existing Part II of Schedule 3 works for veterinary nurses.
34. The RCVS would establish an independent panel to determine which procedures should be in Category Two – i.e. reserved for veterinary surgeons.

35. As with veterinary nurses, EDTs would be defined as individuals held on a list by the RCVS. This list would be held 'off the face of the Act' in the same way as for veterinary nurse; i.e. they would be Associates of the RCVS or members of an accredited organisation as per the RCVS's Royal Charter. The Schedule 3 reform should allow for grandfathering rights for existing EDTs.  
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### Physiotherapy

36. The current exemption order covering physiotherapy is very broad in that it allows any adult, regardless of their qualifications, to carry out treatment by physiotherapy so long as that treatment has been prescribed by a veterinary surgeon. Further, the RCVS defines 'physiotherapy' as including 'all manipulative therapies'.
37. As a result of its review, the working party concluded that this exemption order is too wide and requires amendment. In particular, the working party decided that some level of qualification should be required (although the requirement for treatment to be prescribed by a veterinary surgeon should remain). However, the working party ran into difficulty when trying to apply the flow chart to the exemption order as it was unable to decide whether or not the procedure in question was minor.
38. The issue with physiotherapy is that it does not just relate to just one procedure which can easily be assessed in terms of its severity, but rather it relates to an entire discipline (and in fact, the way it is defined by the RCVS means that it relates to a number of different disciplines). Further, some practitioners hold a level of qualification that is higher than degree level and if this is the minimum level of qualification required it is unlikely that the procedures they carry out can properly be classified as sufficiently minor to be underpinned by exemption order.
39. In light of this, the RCVS recommends that, as with EDTs, Schedule 3 should be reformed to allow some procedures carried out under the 'manipulative therapies' umbrella to be delegated to appropriately qualified and registered paraprofessionals ('Category One Procedures'), while other procedures are reserved for veterinary surgeons ('Category Two').
40. As with veterinary nurses and our proposals for EDTs, those allowed to undertake Category One work would be defined as individuals held on a list by the RCVS. This list would be held 'off the face of the Act' in the same way as for veterinary nurse; i.e. they would be Associates of the RCVS as per the RCVS's Royal Charter.
41. This would create a statutory and regulatory underpinning for all physiotherapists/musculoskeletal therapists.

### Cattle foot trimmers

42. As with EDTs, some procedures carried out by cattle foot trimmers (CFTs) are acts of veterinary surgery. The level of training required means that some of these procedures could not be classed as minor, and CFTs would therefore need to be underpinned by Schedule 3, with the same framework as EDTs and musculoskeletal therapists.

## Future Associates of the RCVS

43. Under the Royal Charter of 2015, the RCVS may take on further classes of associates in addition to veterinary nurses. It has been envisaged that, in practice, this would mean the regulation of allied professionals in order to benefit animal health and welfare and reduce confusion amongst the public and the veterinary profession as to which practitioners they should refer to.
44. As per the terms of reference, the working party developed a set of criteria to be applied when assessing applications for associate status with the RCVS: these criteria can be found in Annex F.
45. The RCVS holds that any paraprofessional group operating under Schedule 3 of the VSA 1966, including those that we propose to add to Schedule 3 in our recommendations above, ought to be Associates of the RCVS in order that we can assure their standards of education and conduct.

## Summary of recommendations

46. The RCVS recommendations seek to introduce consistency to the exemption order regime, including:
  - a. Consistency of age requirements. Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16;
  - b. Consistency on convictions. If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer);
  - c. Consistency around revalidation. Certificate of competence/training/qualifications should be 'revalidated' every two years.
47. Orders to be repealed
  - a. Desnooding of turkeys – obsolete;
  - b. Removal of comb from poultry – obsolete;
  - c. Epidural anaesthesia in bovines – cannot properly be categorised as minor and as such, is not eligible for an exemption order.
  - d. Physiotherapy
48. New orders
  - a. See Annex E

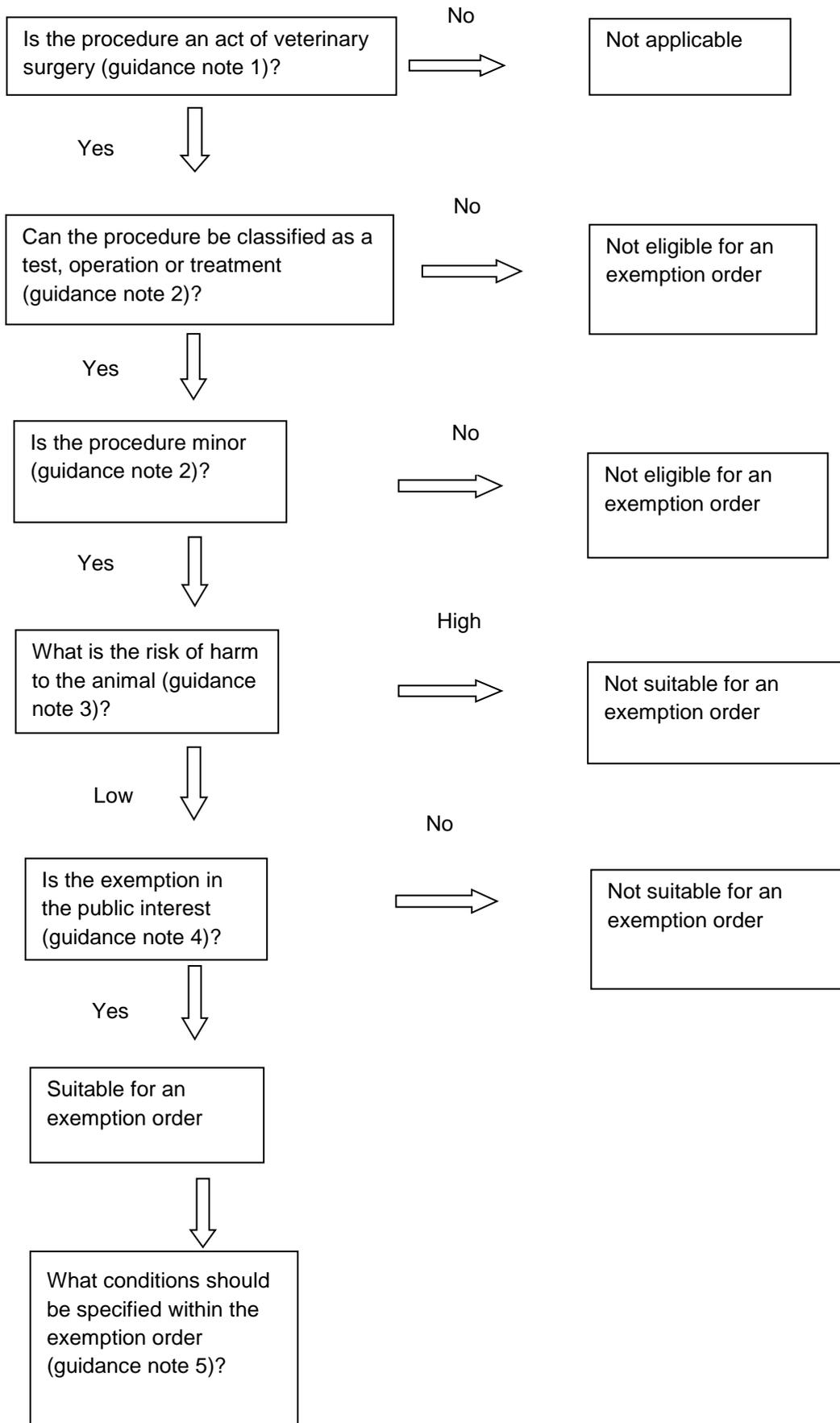
49. In addition to the Exemption Order reforms, the College proposes that Schedule 3 of the Veterinary Surgeons Act be expanded to include the following paraprofessions:
- a. Equine Dental Technicians (EDTs)
  - b. Cattle Foot Trimmers (CFTs)
  - c. Musculoskeletal therapists
50. Reform of Schedule would need to be carried out in such a way that classes of procedures relevant to each paraprofession can be carried out, subject to a list of procedures reserved to veterinary surgeons as per the existing system for veterinary nurses. This may involve a combination of amendments to the Schedule and specific Code of Conduct requirements for the paraprofession.

**Annex A****Members of the Exemption Orders and Associates Working Party**

Dr B P Viner (Chair)	RCVS Senior Vice President
Mr R Davis	RCVS Council Member (Lay)
Mr R Drummond	Veterinary Consultant, Former Deputy Director of Defra
Professor T R C Greet	RCVS Council Member (Veterinary Surgeon)
Mr P C Jinman	RCVS Council Member (Veterinary Surgeon)
Mrs K E Kissick	Former Chair of VN Council
Mr M McLaren	Lay member, formerly of Which?
Dr K A Richards	RCVS Council Member (Veterinary Surgeon)
Ms G Ravetz	President of BVA
Professor N H F Wilson	Lay member, dentist and former President of the General Dental Council and British Dental Association

**Flow chart for exemption orders**

**Annex B**



## Exemption orders framework: Guidance notes

### Guidance note 1

#### *An act of veterinary surgery*

1. Section 19(1) of the VSA provides, subject to a number of exceptions, that only registered members of the RCVS may practise veterinary surgery. Exemption orders are one of the exceptions to that general rule in that the orders permit lay people to carry out certain acts of veterinary surgery, provided specified conditions are met.
2. In light of this, when assessing whether or not an activity should be subject to an exemption order, the first question to consider is whether the activity is in fact an act of veterinary surgery. If it is not, the possibility of an exemption order does not apply.
3. Section 27 of the VSA defines ‘veterinary surgery’ as:
 

*“...the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, shall be taken to include—*

  - (a) the diagnosis of diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes;*
  - (b) the giving of advice based upon such diagnosis;*
  - (c) the medical or surgical treatment of animals; and*
  - (d) the performance of surgical operations on animals.”*

### Guidance note 2

#### *Minor treatment, tests or operations*

4. As stated above, exemption orders are an exception to the general rule in section 19(1). The power to make exemption orders is contained within section 19(4)(e) which states that:
 

*“Subsection (1) of this section shall not prohibit—*

*[...]*

*(e) the carrying out or performance of any minor treatment, test or operation specified in an order made by the Ministers after consultation with the Council, so long as any conditions so specified are complied with [emphasis added].”*
5. In light of the above, only procedures that can be classified as a test, operation or treatment may be made subject to an exemption order. This means, for example, that exemption orders may not permit diagnosis by lay persons.
6. In addition, the treatment, test or operation in question must be minor. There is no definition ‘minor’, nor what types of procedures could or should be considered as such, however matters such as the length of time a lay person is required to train before they can carry out a

procedure safely may be indicative. Therefore this assessment should be made using professional judgment on a case by case basis. In some cases, there may be an area of practice subject to or seeking an exemption order rather than a specific procedure (e.g. equine dentistry, physiotherapy). In these situations, a decision should be made regarding which elements of the practice are minor and which elements are not. Only the minor elements may be incorporated into the exemption.

### Guidance note 3

#### *Proposed justification*

7. This step involves identifying the reasons why it should be permissible for a lay person to carry out a particular procedure. Unlike the previous which involve an assessment of whether or not a procedure is *eligible* for an exemption order; this is the first step in assessing whether or not a procedure is *suitable* for an exemption order.
8. Relevant factors will include (but are not limited to):
  - whether or not the procedure is carried out for animal welfare reasons (either the welfare of the individual animal or the herd);
  - whether or not there is a risk to public health and if so, the scale of that risk;
  - whether the procedure is commonly carried out or whether it is rare;
  - whether or not the existence of an exemption order would remove/deter poor practice;
  - whether the procedure would be carried out as part of, or separate to, the veterinary lead team;
  - whether the procedure benefits the animal or group of animals (this may be based on veterinary judgment rather than evidence);
  - assessment of any benefit or potential for harm to public health and/or environmental damage;
  - whether the procedure is necessary for the conservation of species;
  - consideration of the scale of the procedure in question (i.e. how common is it?); and
  - whether the existence of an exemption order would provide clarity for service users.
9. In addition to the above, it will be necessary to consider whether or not there is demand from service users that the procedure should be carried out by lay persons, for example for economic reasons.
10. Consideration of whether the procedure is carried out by lay persons in other countries, and the reasons why or why not, may also be helpful.

## Guidance note 4

### *Potential for harm to the animal*

11. Identifying the potential for harm to the animal will require a risk assessment. The focus of this risk assessment should be an assessment of harm to the animal as a result of the procedure versus if procedure not carried out. This may be based on veterinary judgment rather than evidence, however this process should include consultation with and receiving 'evidence' from interested parties.
12. Once the risk of harm of the procedure itself has been determined, the next step will be to identify whether there are any factors that can mitigate against that harm. For example, limitations on the circumstances in which the procedure may be carried out or the level of competence/training/qualification of the person carrying out the procedure. The higher the inherent risk to the animal, the more robust these requirements should be in order to lower the overall risk to the animal. Again, this assessment should be informed by consultation with the interested parties.
13. Through carrying out the above assessments, an overall level of harm will be identified. That level of harm should then be balanced against the proposed justification, taking into consideration the overall public interest. If (and only if), after weighing all of the relevant factors, it is decided that the potential harm to the animal is justified, the procedure can be classified as suitable for an exemption order. The reasons for this decision should be expressed clearly in the report submitted to Defra.

## Guidance note 5

### *Conditions*

14. If it is decided that a procedure is suitable for an exemption order, the next step is to decide what conditions should be specified within the order. Conditions are limitations on the circumstances in which the procedure may be carried out (e.g. only on an animal below a certain age) or on the person who may carry out the procedure (e.g. must be certified as competent by a vet, must be over 18, must hold a particular qualification or accreditation). The purpose of conditions is to ensure animal welfare.
15. At this stage, it will be necessary to refer back to the risk assessment to identify the potential for harm already carried out (see guidance note 5). Any factors considered necessary to mitigate the risk of harm to the animal, e.g. age, qualifications, training of the person carrying out the procedure, should be attached to the exemption order in question as a condition.
16. Conditions may include holding a certificate of competence, undertaking continuing professional development or revalidation of qualifications/training.
17. In addition, the following overarching conditions should be applied to all orders (if relevant):
  - Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16;
  - If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer);

- Certificate of competence/training/qualifications should be 'revalidated' every two years.

**List of attendees at initial species group meetings (\* denotes absent)**

**Production animal group**

**BVA division reps:**

John Fishwick (BVA)  
Linda Smith (AGV)\*  
Gareth Hateley (BCVA)  
Kath Dun (Sheep Vet Soc)  
Mandy Nevel (Pig Vet Soc)\*  
John Matthews (Goat Vet Soc)  
Samantha Morgan (BVNA)\*

**Health and Welfare Council reps:**

Jim Scudamore (Pig)  
Charles Sercombe (Sheep)  
Tim Brigstocke (Cattle)\*  
Graham Reed (Camelid)\*

**Small animal group**

**BVA division reps:**

Gudrun Ravetz (BVA)  
Linda Smith (AGV)\*  
Philip Lhermette (BSAVA)  
Michael Watts (Greyhound Vet Soc)\*  
Mark Stidworthy (BVZS)  
Heather Bacon (BVZS)\*  
Samantha Morgan (BVNA)

**Health and Welfare Council reps:**

Peter Scott (companion animal)  
Steve Dean (canine and feline)\*

**Poultry Group**

**BVA division reps:**

David Welchman (BVPA)  
Linda Smith (AGV)\*

**Health and Welfare Council reps:**

Mark Williams (British Egg Industry Council)  
Maire Burnett (British Poultry Council)

**Equine group**

**BVA division reps:**

David Mountford (BEVA - CEO)  
Vicky Nicholls (BEVA – President)  
Mark Bowen (BEVA)  
Bonny Millar (BVNA)

**Health and Welfare Council reps:**

Jeanette Allen (Equine Health and Welfare Strategy Group)  
Gemma Stanford (British Horse Society)

## Annex E

<b>Proposed amendments to existing exemption orders</b>		
<b>Procedure</b>	<b>Current SI</b>	<b>Proposed amendments</b>
Wing and web tagging of birds	2009/1217	<ul style="list-style-type: none"> <li>- To be extended to farmed birds</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> </ul>
Vaccination of poultry	2015/772	<ul style="list-style-type: none"> <li>- Vaccine must be licensed</li> <li>- Must be certified by a veterinary surgeon as competent to administer injectable vaccines</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Certificate of competence should be 'revalidated' every two years</li> </ul>

<p>Beak trimming of fowls</p>	<p>2015/772</p>	<p><i>Infra-red beak trimming (IRBT):</i></p> <ul style="list-style-type: none"> <li>- procedure should only be carried out on hatchlings 24 hours old or less</li> <li>- Persons carrying out the procedure must have undertaken appropriate training (or be in the process of training)</li> <li>- Training should be ‘revalidated’ every two years</li> </ul> <p><i>‘Hot blading’:</i></p> <ul style="list-style-type: none"> <li>- should only be carried out in emergencies</li> <li>- under the direction of a veterinary surgeon</li> <li>- the person carrying out the hot blading should have undertaken appropriate training, this should be carried out ‘on the job’ culminating in a certificate competence issued by a veterinary surgeon</li> <li>- If a person is undergoing training, they may only carry out the procedure under direct, personal supervision of a veterinary surgeon</li> <li>- Certificate of competence should be ‘revalidated’ every two years</li> </ul> <p><i>Both:</i></p> <ul style="list-style-type: none"> <li>- Should be extended to laying hens</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is ‘spent’ (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> </ul>
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<b>Proposed amendments to existing exemption orders</b>		
<b>Procedure</b>	<b>Current SI</b>	<b>Proposed amendments</b>
Sampling of farm animals, badgers and poultry	2015/772	<p><i>Blood sampling in poultry and farm animals:</i></p> <ul style="list-style-type: none"> <li>- Must be conducted under the general direction of a veterinary surgeon</li> <li>- Must be carried out for the benefit of the animal or group of animals (i.e. herd, flock etc)</li> <li>- Must be certified by a veterinary surgeon and/or the minister as competent to take blood from the relevant species (or training to become certified, in which case the procedure must be conducted under the direct supervision of a veterinary surgeon</li> <li>- Certificate of competence should be 'revalidated' every two years</li> </ul> <p><i>Blood sampling in badgers:</i></p> <ul style="list-style-type: none"> <li>- As above, except must be carried out for statutory purposes (as opposed to for the benefit of the animal or group of animals)</li> </ul> <p><i>Sampling for residues (faeces):</i></p> <ul style="list-style-type: none"> <li>- Must be conducted under the general direction of a veterinary surgeon</li> </ul> <p><i>All:</i></p> <ul style="list-style-type: none"> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> </ul>

<b>Proposed amendments to existing exemption orders</b>		
<b>Procedure</b>	<b>Current SI</b>	<b>Proposed amendments</b>
Vaccination of animals against foot-and-mouth disease	2004/2780	<p>Conditions to remain the same with the following additions:</p> <ul style="list-style-type: none"> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Certificate of competence should be 'revalidated' every two years</li> </ul>

<b>Proposed amendments to existing exemption orders</b>		
<b>Procedure</b>	<b>Current SI</b>	<b>Proposed amendments</b>
Rectal ultrasound scanning of bovines (Doppler and non-doppler)	2010/2056	<ul style="list-style-type: none"> <li>- Relates to the insertion into the rectum of an ultrasound probe</li> <li>- Person carrying out the procedure must be certified as competent to do by a veterinary surgeon (or be in the process of training)</li> <li>- Where a person is training, procedure must be carried out under direct and continuous personal supervision of a veterinary surgeon</li> <li>- Nothing in this order permits lay persons to carry out diagnosis; diagnosis remains restricted to veterinary surgeons.</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Certificate of competence should be 'revalidated' every two years</li> <li>- Defra to hold a list of persons competent to carry out the procedure is desirable</li> </ul>

<b>Proposed amendments to existing exemption orders</b>		
<b>Procedure</b>	<b>Current SI</b>	<b>Proposed amendments</b>
Vaccination of badgers against TB	2010/580	<p>Conditions to remain the same, with the following additions:</p> <ul style="list-style-type: none"> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Certificate of competence should be 'revalidated' every two years</li> </ul>
TB testing of bovine animals (excluding testing by blood sampling)	2005/2015	<p>Conditions to remain the same with the following additions:</p> <ul style="list-style-type: none"> <li>- Should be extended to cover other farm animals</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Training should be 'revalidated' every two years</li> </ul>

<b>Proposed amendments to existing exemption orders</b>		
<b>Procedure</b>	<b>Current SI</b>	<b>Proposed amendments</b>
Artificial insemination of cows	2010/2059	<ul style="list-style-type: none"> <li>- Should be extended to other farm animals</li> <li>- Only intravaginal and transcervical AI are exempted, surgical AI is not a minor procedure and therefore not eligible for an exemption order</li> <li>- Person carrying out the procedure must have successfully completed an approved course (or an overseas course that is equivalent) OR be in the process of training OR was a qualified inseminator under 2007 order</li> <li>- Nothing in this order permits lay persons to administer medication that they would not otherwise be permitted to administer</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Training/certificate of competence should be 'revalidated' every two years</li> </ul>

<b>Proposed amendments to existing exemption orders</b>		
<b>Procedure</b>	<b>Current SI</b>	<b>Proposed amendments</b>
Artificial insemination of mares	2010/2059	<p>Conditions should remain the same with the following additions:</p> <ul style="list-style-type: none"> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Training/certificate of competence should be 'revalidated' every two years</li> </ul>

<b>Existing orders to be removed</b>		
<b>Procedure</b>	<b>Current SI</b>	<b>Reason</b>
Epidural anaesthesia in bovines	2010/2058	Not a minor procedure, therefore not eligible for an exemption order
Desnooding of turkey	2015/772	Obsolete
Removal of comb from poultry	2015/772	Obsolete
Physiotherapy	2015/772	To be replaced by Schedule 3 reform

<b>Proposed new orders</b>	
<b>Procedure</b>	<b>Conditions</b>
Bovine embryo transfer	<ul style="list-style-type: none"> <li>- Must be conducted in line with the Bovine Embryo Transfer Regulations (SI 1995/2478)</li> </ul>
<p>Pelvic measuring in cattle</p> <p>(Note: could be incorporated into the exemption order relating to bovine ultrasound scanning as involves the insertion of an instrument into the rectum of a cow. This might be possible if the order was renamed)</p>	<ul style="list-style-type: none"> <li>- Person carrying out the procedure must be certified as competent by a veterinary surgeon</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Certificate of competence should be 'revalidated' every two years</li> </ul>
Artificial insemination of bitches	<ul style="list-style-type: none"> <li>- To be carried out by suitably trained persons – level of training to be decided</li> <li>- Before procedure is carried out, animal must be certified as 'fit' by a veterinary surgeon</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Training should be 'revalidated' every two years</li> </ul>

<b>Proposed new orders</b>	
<b>Procedure</b>	<b>Conditions</b>
Subcutaneous microchipping of animals	<p><i>In dogs:</i></p> <ul style="list-style-type: none"> <li>- must be conducted in line with the Microchipping of Dogs (England) Regulations 2016</li> </ul> <p><i>In other species:</i></p> <p>procedure must be carried out by a suitably trained persons</p> <ul style="list-style-type: none"> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Training should be 'revalidated' every two years</li> </ul>
Cloacal swabbing in poultry	<ul style="list-style-type: none"> <li>- Person carrying out the procedure must be certified as competent by a veterinary surgeon</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Certificate of competence should be 'revalidated' every two years</li> </ul>

<b>Proposed new orders</b>	
<b>Procedure</b>	<b>Conditions</b>
Artificial insemination of turkeys	<ul style="list-style-type: none"> <li>- Person carrying out the procedure must be certified as competent by a veterinary surgeon</li> <li>- Must be conducted in line with guidance issued by the British Poultry Council</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Training/Certificate of competence should be 'revalidated' every two years</li> </ul>
Feather plucking in poultry	<ul style="list-style-type: none"> <li>- May be performed by suitably trained/qualified persons</li> <li>- Persons carrying out the procedure should be over the age of 18, unless carrying out the procedure as part of training in which case they must be over the age of 16</li> <li>- If a person has been convicted of an animal welfare offence, they should not be permitted to carry out the procedure until the conviction is 'spent' (in line with the Rehabilitation of Offenders Act 1974 (as amended)) or any order prohibiting them from keeping/working with animals has expired (whichever is the longer)</li> <li>- Certificate of competence and/or training 'revalidated' every two years.</li> </ul>

## Future Associates & Accredited Organisations of the RCVS

51. RCVS Council has developed a set of criteria to be applied when assessing applications for associate status with the RCVS, which are currently being refined. Paraprofessionals will only be entitled to come under the RCVS regulatory umbrella if *regulation of the group helps the RCVS to achieve its objectives under the Charter, namely to "set, uphold and advance veterinary standards, and to promote, encourage and advance the study and practice of the art and science of veterinary surgery and medicine". This may include (but is not limited to):*
- a. evidence that the activities carried out by the group are beneficial to animal health and welfare and/or that any harm caused to an animal is justifiable (note: 'evidence' can include veterinary judgement);
  - b. commitment to promoting the advancement of practices based upon sound scientific principles;
  - c. that treatments offered are underpinned by a recognised evidence base or sound scientific principles. Paraprofessionals should not make unproven claims about any treatments, including prophylactic treatments;
  - d. association with the group must not damage the reputation of the RCVS;
  - e. working as part of a vet led team.
52. The practitioners must have a sense of identity, and present as a cohesive and established group. Standards of conduct must be enforceable, such that removal of associate status would be meaningful. The group must have sufficient resources to support the cost of regulation by the RCVS. The group must be able to demonstrate a commitment to:
- a. setting and upholding standards through education and training (e.g. CPD);
  - b. setting and upholding standards through a code of professional conduct or equivalent;
  - c. protecting the public.
53. The group must be able to supply individuals who are willing to engage with the RCVS to enable regulatory activity (e.g. to sit on committees dealing with training, education and discipline). There must be a clear benefit to the welfare of animal, the public or the public interest in regulating the group.

### Models for paraprofessional regulation

54. Council have agreed to two potential models of regulation. Work continues to develop these models into their final forms.

#### The accreditation model

55. The accreditation model would involve the RCVS accrediting an organisation based on the regulatory structures they already have in place. Therefore, the organisation would provide registration services, set the standards for education, develop a code of conduct, provide advice to practitioners and investigate of concerns (including holding disciplinary hearings) and the RCVS would assess it on a regular basis to check that its standards and processes were

adequate. If the organisation met the RCVS' standards, it would become accredited by the RCVS. This type of regulation already exists in the healthcare sector in the form of the Professional Standards Authority's (PSA) Accredited Registers.

**The associate/full regulation model**

56. This model would provide a similar level of regulation to that received by veterinary surgeons and nurses and would involve regulating individuals rather than the group or organisation they belong to. Regulation under this model would involve the RCVS providing registration services, setting standards for education, developing a code of conduct, providing advice to practitioners and the investigation of concerns (including disciplinary processes and possibly alternative dispute resolution). Individuals regulated under this model would be associates of the RCVS.
57. The RCVS will not grant either status to any group whose work does not have appropriate statutory underpinning, where required.
58. Only the associate/full regulation model is appropriate for paraprofessions whose work requires statutory underpinning via Schedule 3, as the RCVS will be required to 'hold the list' of individual paraprofessionals.