The RCVS has received a complaint about me

A guide to our complaints procedure for veterinary surgeons
A. What is this about?

1. We have received a complaint against you or your practice and are now seeking your response to the complaint. Along with this explanatory document, you will receive a letter from the Case Manager in the Professional Conduct Department and a copy of the complaint against you.

2. This document explains how we deal with complaints and also provides answers to some frequently asked questions (Section C, pages 7 – 9). Reading this document will let you know what to expect as we investigate the complaint. Section D, ‘What the RCVS can and cannot do’ (page 10) helps to explain what we can do about the complaint.

3. The complaint has already been considered in accordance with Stage 2 of the RCVS Complaints Procedure (Section B, pages 4 – 6). Our investigation is now at Stage 3, which is called Investigation and Case Examination (page 5).

4. The Case Manager’s letter to you requests your comments on the complaint and identifies the main issues of professional conduct raised by the complaint. We may not be investigating every point made by the complainant, though we do have a statutory duty to investigate all complaints within our jurisdiction – those that raise an issue of professional conduct - however trivial they may seem.

5. At this stage, we have not had the opportunity to hear your full answer to the complaint. It is therefore important that you respond to the allegations in as much detail as possible and include copies of all relevant documents e.g. clinical records / notes, consent forms, radiographs etc.

6. We may also write to the principal or senior veterinary surgeon at your practice (if you are an employee), and any other veterinary practice involved with the case, to seek other relevant information, for example, information from other veterinary surgeons who have examined or treated the animal.

7. If we decide to close your complaint, it will be closed with no indication of serious professional misconduct against you. We may give you advice when we close the complaint. Generally, we will close a complaint only when there is sufficient information to enable us to do so.
Your response to the complaint

8. You should respond to the RCVS within 15 working days of the date of our letter to you. If for any reason this is not practicable, please tell us. Your obligation under the RCVS Code of Professional Conduct is to comply with reasonable requests from the RCVS as part of the regulation of the profession (Part 5.4). Failure to do so may in itself be held to amount to professional misconduct.

9. Your professional indemnity insurer (for example, the Veterinary Defence Society) may help you to respond to the RCVS.

10. We provide a copy of your response to the complainant, unless you request otherwise. Even if you request such information to be confidential, disclosure of your information may be necessary as part of our procedures under the Data Protection Act, or as part of judicial proceedings.

11. If you have been convicted of an offence, it is likely this will be considered by the Preliminary Investigation Committee.

If you are worried by the complaint, or have associated health or addiction problems, please consider seeking help from others: for example, if you are worried by the complaint, the Vet Helpline (T 07659 811 118); or if you have a health or addiction problem, the Veterinary Surgeons Health Support Programme (VSHSP) (T 07946 634220). Relevant information can be found at the Vetlife website (www.vetlife.org.uk).

If you have any questions about the RCVS complaints procedure or the complaint against you, please contact the case manager writing to you, or a member of the Professional Conduct Department (T 020 7202 0789  F 020 7202 0740  E profcon@rcvs.org.uk). Further explanatory information and the Protocols listed will be available on RCVSonline (www.rcvs.org.uk) in due course, or may be requested from the Professional Conduct Department.
B. RCVS complaints procedure for registered veterinary surgeons

Stage 1 – Making a complaint

1. Our jurisdiction is limited to complaints which, if proved, have the potential to raise a formal charge at the Disciplinary Committee that a veterinary surgeon’s conduct is serious enough to amount to ‘disgraceful conduct in a professional respect’ (this is commonly referred to as ‘serious professional misconduct’) or that a veterinary surgeon’s conviction renders him or her unfit to practise (or work) as a veterinary surgeon (see the document ‘Serious Professional Misconduct’ at http://www.rcvs.org.uk/complaints/).

2. We ask complainants to look at what we can and cannot do (the extent of our jurisdiction) before making a complaint. For example, we cannot deal with complaints about the level of fees or allegations of negligence, which are dealt with by the courts (see Chapter 9 ‘Practice Information and fees’ of the supporting guidance to the Code of Professional Conduct and the document ‘Negligence’ at http://www.rcvs.org.uk/complaints/); neither can we deal with ‘performance’ (competence) complaints unless they are serious enough and there is evidence that they could amount to ‘serious professional misconduct’. This may be via the College’s Performance Protocol. We can deal with health complaints through our new Protocol for Health Complaints against Registered Veterinary Surgeons.

3. As a general rule, we ask a potential complainant to complete our complaints form (Section E) before we assess the complaint. Generally, any complaint about an incident more than two years ago will be considered out of time and will be closed.

We aim to send a complaints form to a potential complainant on the day we receive the request, or the next working day.

Stage 2 – Assessment stage

4. A Case Manager, who may be legally qualified, assesses complaints and decides whether there is an issue of conduct with the potential to amount to serious professional misconduct (‘an issue of conduct’).

5. Complaints are assessed in accordance with our Protocol for the Assessment of Complaints. We may contact the complainant and/or the veterinary surgeon complained about and/or the veterinary surgeon’s employer to assist the assessment process.

6. If we identify an issue of conduct from a complaint, we investigate further. If we do not identify an issue of conduct, we close the complaint.

We aim to assess a complaint within ten working days of receiving the completed and signed complaints form.
Stage 3  – Investigation and case examination stage

7. We investigate complaints in accordance with our Protocol for the Assessment of Complaints. We may contact the complainant and/or the veterinary surgeon complained about and/or the veterinary surgeon’s employer as part of an investigation. Occasionally, we may visit the veterinary practice and interview the veterinary surgeon complained about, or other staff; similarly, we may visit the complainant and other witnesses to investigate the complaint.

8. The investigation of complaints is managed by Case Managers, who may seek any advice and direction, as appropriate, from the two Case Examiners appointed to the complaint.

9. Case Examiners will generally be a veterinary surgeon and a lay member of the Preliminary Investigation Committee.

10. When there is sufficient information, the case examiners decide whether there is an **arguable case** against the veterinary surgeon complained about: if so, the complaint is considered by the Preliminary Investigation Committee. If there is no arguable case the complaint is closed. Case examination is conducted in accordance with our Protocol for the Case Examination of Complaints. Generally, veterinary surgeons’ convictions are considered by the Preliminary Investigation Committee.

11. If we close a complaint we may give advice to the veterinary surgeon complained about. We tell the complainant if we give advice to the veterinary surgeon and the nature of that advice.

   **We aim to collect the information required for the matters under investigation in fewer than five months of receiving a completed and signed complaints form.**

Stage 4  – Preliminary Investigation Committee stage

12. The Preliminary Investigation Committee meets in private to consider whether there is a **realistic prospect** of what the veterinary surgeon has done (or not done) amounting to disgraceful conduct in a professional respect (‘serious professional misconduct’), or (for convictions) rendering him or her unfit to practise or work as a veterinary surgeon. (See our information on the meaning of ‘serious professional misconduct’. We consider complaints in accordance with our Protocol for the Preliminary Investigation Committee Consideration of Complaints.

13. It may be necessary to investigate complaints further to obtain sufficient information to make a decision at this stage, and we investigate in accordance with our Protocol for the investigation of complaints. Generally, an in-house solicitor will manage an investigation that involves external solicitors.
14. A complaint may be referred to the RCVS Disciplinary Committee where the veterinary surgeon’s alleged conduct or behaviour is fundamentally incompatible with his or her being a veterinary surgeon and this may involve any of the following (the list is not exhaustive):

   a. Serious departure from professional standards as set out in the RCVS Code of Professional Conduct

   b. Causing serious harm (or causing a risk of serious harm) to animals or the public, particularly where there is a breach of trust

   c. Offences of a sexual nature

   d. Offences involving violence and/or loss of human life

   e. Evidence of a harmful deep-seated personality or attitude problem

   f. Dishonesty (including false certification), particularly where persistent or concealed

15. If we close a complaint, we may give advice to the veterinary surgeon complained about. We may ask the veterinary surgeon to visit the College for the advice to be given, or we may visit the veterinary surgeon at his or her practice to speak to him or her, or we may give the advice in writing. If the veterinary surgeon complained about is an employee, we may also speak or write to his or her employer about the complaint.

16. We tell complainants if we give advice to the veterinary surgeon and the nature of that advice.

   Generally, the Preliminary Investigation Committee will consider complaints in fewer than six to seven months of us receiving a completed and signed complaints form.

Stage 5 – Disciplinary Committee

17. If a complaint is referred to the Disciplinary Committee there will be a formal hearing (an Inquiry). The Inquiry is like a court hearing and a complainant will be asked to give evidence under oath. Appeals against Disciplinary Committee decisions are heard by the Privy Council.

   The Clerk to the Disciplinary Committee lists hearings in consultation with the Professional Conduct Department of the RCVS and the respondent veterinary surgeon.

18. These are general procedures and may be varied as necessary for any individual complaint.
C. Frequently asked questions

1. I am the subject of a complaint, can somebody advise me?

If you wish to enquire about a complaint that may be made about you, please telephone the Professional Conduct Department of the RCVS and speak to a member of the Department. Our Case Managers, solicitors, professional conduct officers and administrative staff will be happy to discuss relevant issues. We may be able to indicate whether a complaint is one we can deal with or how we have resolved previous similar complaints. Any subsequent complaint is considered in accordance with the RCVS complaints procedure.

2. How long will you take to investigate the complaint against me?

We aim to deal with complaints in the shortest time possible and it is important that all the relevant information regarding the complaint and supporting evidence is given to the College from the outset. We will close a complaint when it is clear that the complaint is not within our jurisdiction. We have set out our time estimates for investigating complaints; the length of time can be dependent on the time others take to provide us with information. Each year we publish the average time we take to close complaints in the RCVS Annual Report.

3. Can I see any previous decisions?

No, complaints are confidential to us unless referred to the RCVS Disciplinary Committee, where normally the hearing is in public. Charges, Findings of Fact, Decisions and Judgments of recent hearings are publicly available on RCVSonline at www.rcvs.org.uk/disciplinary. However, the Preliminary Investigation Committee reports to RCVS Council on the work of the Committee and the reports include examples of closed complaints (the names of those involved are not published).

4. Will you keep me informed about the progress of the complaint against me?

We will write to you at regular intervals to update you on the progress of the complaint. If you are unsure what is happening with the complaint, please telephone the Professional Conduct Department and speak to the Case Manager for the complaint, or with a Professional Conduct Officer involved with complaints handling.

5. I am unhappy with your decision, what can I do?

We aim to give you a proper explanation of any of our decisions at the assessment, case examination or Preliminary Investigation Committee stages. If you are unhappy with our decision, please first contact the Case Manager for your complaint. Disciplinary Committee matters are subject to separate procedures.

6. Is there a Veterinary Ombudsman?

No, there is no Ombudsman. However, if you remain unhappy with the Case Manager’s explanation, at your written request, the Head of Professional Conduct and the Chairman of the Preliminary Investigation Committee will consider your concerns. You will be asked to supply in writing any further or new relevant information stating reasons for your request for a review. If, after these steps, you remain unhappy with our decision, you will need to consider whether to pursue your concerns through the courts, by seeking a judicial review of our decision.
7. Who are the main people and committees involved in the procedures?

**Preliminary Investigation Committee**
(sometimes referred to as the PI Committee or PIC)

The Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013, sets out the constitution of the PIC. (This Order replaced Part 1 of Schedule 2 of the Veterinary Surgeons Act 1966). It requires at least a third of members to be lay persons, and at least a third of members to be Registered veterinary surgeons independent of the RCVS. (Between July 2013 and July 2015 transitional provisions apply where some members remain appointed from RCVS Council). Currently, six veterinary surgeons and three lay members are appointed to the PIC each year. The quorum for a meeting of the PIC is three (of whom one must be lay and one must be a registered member).

**RCVS Council**

The governing body of the RCVS, as provided for in the Veterinary Surgeons Act 1966.

**Lay Members**

Lay members are not veterinary surgeons and are independent of the RCVS.

Up until 3 July 2013, three Lay Observers (not members), sat with the PIC. Copies of Lay Observers’ reports can be downloaded from the RCVS website.

**Case Examiners**

Veterinary surgeon and lay members of the PI Committee who provide any advice and direction to the Case Manager investigating the complaint, prior to deciding whether there is an arguable case against the veterinary surgeon complained about.

**Judicial Review**

A request to the Courts that an administrative decision, for example, a decision by the PI Committee, be reviewed.

**Disciplinary Committee**
(sometimes referred to as DC)

The RCVS equivalent of a court where charges are heard against a veterinary surgeon alleging that he or she is guilty of serious professional misconduct (the wording of the Veterinary Surgeons Act 1966 is ‘disgraceful conduct in a professional respect’), or that he or she is unfit to practise because of a criminal conviction. The Disciplinary Committee hears evidence on oath and witnesses are cross examined. The Committee currently has 16 members and the quorum is five members.

**Privy Council**

The Judicial Committee of the Privy Council hears appeals of Disciplinary Committee judgments that direct a veterinary surgeon’s name to be suspended or removed from the RCVS Register.
RCVS Register

The Register is a list of those persons who are entitled to practise as veterinary surgeons in the UK, in accordance with the provisions of the Veterinary Surgeons Act 1966. Veterinary surgeons on the Register use the post nominal letters MRCVS (Member of the Royal College of Veterinary Surgeons) and FRCVS for Fellows of the RCVS (see www.findavet.org.uk).

Serious Professional Misconduct

This is a term used to describe conduct by a veterinary surgeon that is so serious that it warrants consideration of the veterinary surgeon’s continued registration with the RCVS i.e. their fitness to practise as a veterinary surgeon. A complaint will be referred to the Disciplinary Committee only if there is a real prospect of proving this against the veterinary surgeon. Even if found proved, there may be mitigating factors which result in the veterinary surgeon’s name remaining on the RCVS Register (see the document ‘Serious Professional Misconduct’ at http://www.rcvs.org.uk/complaints/).

Professional Conduct Department

The Professional Conduct Department of the RCVS, which includes legally-qualified staff, Professional Conduct Officers and administrative staff, and which manages complaints and provides advice on the Codes of Professional Conduct. The Department is based at the RCVS premises in London.

Case Managers

The Case Managers, who may be legally qualified, are involved in the assessment and investigation of complaints, as appropriate. Generally, a solicitor liaises with external solicitors and manages the preparation of cases to be heard by the Disciplinary Committee.
D. What the RCVS can and cannot do

What the RCVS can do:

1. Investigate complaints within our jurisdiction (the Veterinary Surgeons Act 1966).

2. Give formal advice to a veterinary surgeon.

3. Hold a public hearing against a veterinary surgeon whose alleged actions or behaviour may amount to serious professional misconduct (see the document ‘Serious Professional Misconduct’ at http://www.rcvs.org.uk/complaints/).

4. Hold a public hearing against a veterinary surgeon who has been convicted of a criminal offence that may mean he or she is unfit to practise.

5. Suspend or remove a veterinary surgeon from practice.

(Further information about recent Disciplinary Committee Hearings is available at www.rcvs.org.uk/disciplinary.)

What the RCVS cannot do:

6. Fine a veterinary surgeon for any wrong-doing.

7. Award any form of compensation or refund or fee reduction.

8. Adjudicate on negligence as an alternative to the civil courts (see the document ‘Negligence’ at http://www.rcvs.org.uk/complaints/).

9. Adjudicate on the level of fees charged, except when the fees are so extreme that they might constitute serious professional misconduct (see the document ‘Serious professional Misconduct’ at http://www.rcvs.org.uk/complaints/).

Points to remember

10. Respond constructively to the College within 15 working days of the date of our letter to you. A persistent failure to respond constructively to the allegations will in itself raise an issue of conduct.

11. Ensure that your response addresses the main issues of conduct as identified in our letter to you. Make sure that you include all relevant information.

12. Contact your Professional Indemnity Insurers, who may be able to help you to respond.

13. Contact the Professional Conduct Department if you have any difficulty responding or if require any clarification about the complaint or our procedures.