Department for Environment Food & Rural Affairs

www.defra.gov.uk

Explanatory Document to accompany draft Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013

Amending the Veterinary Surgeons Act 1966

November 2012

© Crown copyright 2012

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Veterinary Surgeons Team, Defra
Area 3A Nobel House
17 Smith Square
London SW1P 3JR

Contents

Chapter 1: Introduction 1

Chapter 2: Duties of the Minister 2

Overview of consultation 2

Overview of consultation responses 2

Removal of burdens 2

Better Regulation principles 3

Pre-conditions 3

Parliamentary procedure 5

Compatibility with the Convention on Human Rights 5

Compatibility with the obligations arising from membership of the European Union 5

Devolution 5

Chapter 3: Background to the Order 7

The Royal College of Veterinary Surgeons (RCVS) and the Veterinary Surgeons Act 1966 7

The current regulatory framework 8

The need for reform - eligibility for membership of the committees 10

The need for reform - prescriptive size of the committees 11

Chapter 4: The detailed proposals and the draft Order 13

Chapter 5: Consultation 20

Details of the consultation 20

Details of the responses received and the Government response 21

Chapter 6: Other changes at RCVS 35

Annex A – consultee list 37

Annex B – respondents to the consultation 39

Annex C – changes to the size of the committees 41

ANNEX D – full Impact Assessment 43

Chapter 1: Introduction

1.1 This explanatory document is laid before Parliament in accordance with section 14 of the Legislative and Regulatory Reform Act 2006 (“the 2006 Act” or “LRRA”) together with the draft of the Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013 (“the draft Order”) which we propose to make under sections 1 and 2 of that Act.

1.2 The purpose of the draft Order is to amend Part I of Schedule 2 to the Veterinary Surgeons Act 1966, (“VSA”). The provisions contained in that part of the Act relate to the constitution of the committees of the Royal College of Veterinary Surgeons that deal with disciplinary proceedings; the Preliminary Investigation Committee (PIC) and the Disciplinary Committee (DC). The changes proposed concern composition and size of these committees.

Chapter 2: Duties of the Minister

2.1 With regard to the duties imposed on the Minister in relation to public consultations by section 13 of the Legislative and Regulatory Reform Act 2006 (LRRA), the Minister of State for Agriculture and Food approved the consultation document before publication. The consultation document made it clear that the public consultation was being conducted by the Department for Environment, Food and Rural Affairs (Defra) on behalf of the Minister. After the period of consultation, the Minister considered in the light of the responses that the proposals should be implemented as described in paragraphs 4.3-4.17, reflecting the draft Order.

2.2 Accordingly the Minister is laying before Parliament the documents required by section 14(1) of the LRRA. The Minister is satisfied that the draft Order serves the purposes set out in sections 1(2) and 2(2) of the LRRA and meets the conditions imposed by section 3(2). The section 3(2) pre-conditions are further discussed at paragraphs 2.7-2.16 and 5.60-5.77.

Overview of consultation

2.3 A public consultation was issued in the name of the Minister of State for Agriculture and Food by the Department for Environment, Food and Rural Affairs on 16 January 2012, ran for 12 weeks and closed on 10 April 2012[1]. The consultation document did not contain a draft Order. Copies of the consultation were distributed to stakeholders, Ministers, the Devolved Administrations and the Parliamentary Committees. A list of those to whom a copy of the consultation package was sent is at Annex A.

Overview of consultation responses

2.4 In total thirty-two responses were received from a variety of stakeholders. A list of respondents is at Annex B. The responses have been published on the Defra website in the same location as before, with the exception of the response received from the single respondent who requested non-disclosure. The draft Order has been prepared taking consultation responses into account. The consultation responses are discussed in detail at paragraphs 5.5-5.95.

Removal of burdens

2.5 Part of the proposal is to increase the size of RCVS statutory committees, which should make it much easier, and possibly quicker, to assemble a panel (for DC) for an

[1] The consultation is available at http://www.defra.gov.uk/consult/2012/01/16/veterinary-surgeons-1201/

individual case-hearing from a larger “pool” of people. It is also proposed to introduce more flexibility into the constitution of the committees as well as to remove of outdated restrictive provisions. The Minister considers that it is appropriate to use the order-making powers in section 1 of the 2006 Act, for the purpose of “removing or reducing any burden, or overall burdens, resulting directly or indirectly for any person from any legislation”. The specific definition of “burden” in this case is contained in section 1(3) LRRA, “an obstacle to efficiency”.

Better Regulation principles

2.6 The Minister considers that it is appropriate to use the order-making powers in section 2 of the 2006 Act to introduce reforms that deal with the eligibility for membership of both of the statutory committees that deal with disciplinary cases. This is because these changes ensure that regulatory functions are exercised so as to comply with the Better Regulation Commission’s principles of good regulation: transparent, accountable, proportionate and consistent. A proposed new membership of the committees from outside RCVS Council and, in part, outside the profession, to further the separation of powers, meets these principles.

Pre-conditions

2.7 **The policy objective intended to be secured by the provision could not be satisfactorily secured by non-legislative means:** the constitution of the RCVS disciplinary committees (PIC and DC) is laid down by statute, in Part I of Schedule 2 to the VSA. RCVS has no discretion to deviate from these arrangements. A change in the legislation is the only solution.

2.8 **The effect of the provision is proportionate to the policy objective:** the main policy objective is to ensure that PIC and DC, which consider allegations of professional misconduct against veterinary surgeons, are independent of the RCVS Council which sets the standards of conduct for the veterinary profession. The present arrangements carry the risk that disciplinary proceedings will be compromised because a member of PIC or DC has been engaged in Council debates which are relevant to a case before the Committee. In principle it would be possible to secure the desired separation of functions by setting up a free-standing statutory body or bodies to investigate and adjudicate complaints. Instead, the proposed LRO would amend the constitutions of PIC and DC without changing their status as Committees of the RCVS Council. This approach is designed to minimise costs (through sharing of overheads) and avoid legislative complication. There are precedents for this in the legislation of the regulatory bodies of the major human health professions.

2.9 Further policy objectives are to increase the size of the committees, particularly the Disciplinary Committee, in order to help it deal with the caseload without avoidable delay and to secure appropriate lay membership of the committees, in order to ensure that the public interest is adequately represented. Unworkable historic and now unnecessary provisions are also to be removed as they are considered to be an obstacle to efficiency.

Overall, it is thus considered that the benefits of reform in terms of human rights compliance, public confidence in RCVS as a regulator and ability to manage the caseload are proportionate to the changes proposed. There is no financial impact on the public and the increase in administrative costs to RCVS is balanced by the benefits, showing that this is a proportionate measure.

2.10 **The provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it:** there are three categories of person who could, in principle, be seen as adversely affected by the LRO: members of the RCVS Council, who would cease to be eligible to serve on the Committees; persons registered in the Supplementary Veterinary Register, who stand to lose the special protection for which the VSA currently provides in the event of disciplinary proceedings; and veterinary surgeons, whose registration and retention fees must cover any increase in costs arising from the enlargement of the committees.

2.11 Existing members of the RCVS Council may regret the loss of the opportunity to serve on one or other of the disciplinary committees. However, service as an RCVS Council member is not meant to confer any benefit on the individual concerned and there is an overriding public interest in securing a proper separation of powers between the Council and the disciplinary committees. The VSA as amended by the draft Order will not preclude former members of the RCVS Council from seeking appointment to the Committees. Any individual seeing this as an adverse impact has the choice of resigning from Council and applying through open competition to PIC or DC.

2.12 The provisions of the draft Order will remove a special protection currently given to persons registered in the Supplementary Veterinary Register. As explained in detail in paragraph 4.9 of this explanatory document, this additional protection is now unnecessary.

2.13 The costs incurred by the RCVS in discharging its statutory functions are met from the registration and retention fees paid by veterinary surgeons. The proposed enlargement of the committees implies some initial and some continuing increase in costs, since the extra members will need to be recruited, trained and appraised. The estimated costs are modest, and justified, in order to ensure that complaints continue to be dealt with promptly. There is no financial impact on the public. Further analysis of the costs are made in the accompanying Impact Assessment, which can be found at Annex D, and in paragraph 5.82.

2.14 **The provision does not remove any necessary protection:** the special protection currently afforded to registrants from the Supplementary Veterinary Register (veterinary practitioners) is of theoretical value only, as explained in paragraph 4.9. The additional protection that was once important is no longer necessary. The eight veterinary practitioners were specifically consulted and expressed no views. No other protection is removed or compromised. In the context of the whole proposal, the reforms are designed to improve protection rather than remove it.

2.15 **The provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise:**

we are not aware of any right or freedom which would be adversely affected by this proposal.

2.16 **The provision is not of constitutional significance:** the provisions are limited to the membership and size of two committees of the statutory regulator for the veterinary profession, bringing them into line with the comparable committees of the regulators of the major human health professions. Therefore, the proposals are not of constitutional significance.

Parliamentary procedure

2.17 Under the provisions of section 15(1) of the 2006 Act, David Heath, Minister of State for Agriculture and Food, recommends that the Order should be subject to the affirmative resolution procedure, for which provision is made in section 17 of the 2006 Act. This procedure was chosen because while the amendments to the VSA introduced by the draft Order are not purely administrative or technical, which would warrant use of the negative procedure (section 16 LRRA), they are considered straightforward and not of such fundamental significance as to justify the use of the super-affirmative procedure (section 18 LRRA).

2.18 This conclusion was supported by most of the respondents who answered this question at consultation. The remaining three responses did not suggest use of either negative or super-affirmative procedure; they chose to respond with “don’t know”.

Compatibility with the Convention on Human Rights

2.19 The Minister of State for Agriculture and Food has made the following statement regarding human rights:

"In my opinion the provisions of the Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013 are compatible with the Convention rights."

Compatibility with the obligations arising from membership of the European Union

2.20 It is the view of the Ministers of the Department for Environment, Food and Rural Affairs that the proposals included in the draft Order are compatible with all the requirements of membership of the European Union.

Devolution

2.21 The proposed LRO does not affect any function of Welsh Ministers. The regulation of the veterinary profession is not within the legislative competence of the Scottish

Parliament. However we have the agreement of both Wales and Scotland to these reforms. There are no implications for Northern Ireland legislation, although veterinary regulation is a transferred matter for Northern Ireland. The Department for Agriculture for Northern Ireland has confirmed that they support Defra’s proposal to make the LRO.

Chapter 3: Background to the Order

The Royal College of Veterinary Surgeons (RCVS) and the Veterinary Surgeons Act 1966

3.1 The veterinary profession is regulated by the Royal College of Veterinary Surgeons (RCVS) under the provisions of the VSA. The purpose of the VSA is to protect the public and to prevent unqualified practice in order to protect animal welfare. The Act provides for:

- the registration of veterinary surgeons and veterinary practitioners;
- the regulation of the profession, their education and professional conduct; and
- cancelation or suspension of their registration in case of misconduct.

3.2 In addition to the Act, the RCVS Code of Professional Conduct for Veterinary Surgeons identifies the key responsibilities of veterinary surgeons to their patients, clients, the public and professional colleagues, as well their responsibilities under the law.

3.3 Only those veterinary surgeons whose names are entered on the register held by the RCVS, after having satisfied certain qualification requirements, are allowed to practise veterinary surgery in the UK or use the title “veterinary surgeon”. RCVS also holds a Supplementary Veterinary Register, a legacy from the Veterinary Surgeons Act 1948. The 1948 Act for the first time restricted the practice of veterinary surgery to members of the RCVS, but with some exceptions. One of these was for persons of good personal character who during at least seven out of the last ten years had earned their living by diagnosing diseases of animals and giving medical or surgical treatment to animals. These individuals are known by the title “veterinary practitioner”. As at the start of October 2012 there were eight remaining registered veterinary practitioners who were all declared as non-practising[2].

3.4 The RCVS is incorporated by Royal Charter and awards Fellowships and Diplomas under Charter powers. It also supports the RCVS Trust, which is a separate charity established to promote and advance the study and practice of the art and science of veterinary surgery and medicine. The affairs of RCVS are managed by a Council of 42 members which meets three times a year – March, June and November.

3.5 RCVS Council is supported by a system of committees, including those that deal with disciplinary proceedings. These two committees are the Preliminary Investigation Committee (“PIC”) and the Disciplinary Committee (“DC”). The functions of these

[2] The annual Register data was taken on 5 October 2012

committees are to investigate (PIC), consider and determine (DC) disciplinary cases brought to their attention.

The current regulatory framework

Disciplinary process

3.6 The VSA lays down the procedures that PIC and DC must follow in the case of a member of the College being accused of disgraceful conduct in any professional respect.[3] These procedures are necessary to protect the interests of animals and animal owners from any professional misconduct by members of the veterinary profession, to maintain the reputation of the profession and to protect the wider public interest.

3.7 Once a complaint has been received by RCVS it is passed to the Professional Conduct Department and goes through initial case examination. If there is an arguable case the PIC will consider it in private, following written policies that are publically available. If the PIC decides that there is a case to answer – that there is a realistic prospect of proving that the veterinary surgeon has behaved in a way that amounts to serious professional misconduct and that such action will be in the public interest – it will refer the case to DC for a hearing. Historically these cases have included inadequate professional care, failure to provide emergency cover and the misuse of veterinary medicinal products. The DC also has jurisdiction to consider whether a criminal conviction renders a veterinary surgeon unfit to unfit to practise and whether a name has been fraudulently entered in the register.

3.8 If the DC determines that there has been disgraceful conduct in any professional respect, or that the veterinary surgeon is unfit to practise, then it decides on the appropriate level of sanction. This may be to direct the suspension of the respondent veterinary surgeon's name from the register for a specific period (usually not exceeding two years) or to direct the removal of that veterinary surgeon's name from the register. In the latter case the veterinary surgeon must wait at least ten months before applying for his/her name to be restored to the register. If a veterinary surgeon has his/her name removed from the register it means that he/she will be unable to practise veterinary surgery. As such, the decision is a serious one with the livelihood of an individual at stake. The VSA ensures that the DC has rules of procedure[4] that are of a judicial nature thus charges must be proved to the highest standard of proof so that the DC is "sure". DC Procedure Guidance was re-issued in January 2010 and is used as an aid to decision making at disciplinary hearings. The guidance is read in conjunction with the "Disciplinary Committee Manual", also issued in January 2010. Any veterinary surgeon who has been before the

[3] This is the term used in the Veterinary Surgeons Act 1966 for what is commonly described as professional misconduct

[4] Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004

DC and who has been told that his/her name is to be removed or suspended from the register has a right of appeal[5] to the Judicial Committee of the Privy Council, now part of the Supreme Court. The appeal is a full re-hearing of the case, but usually on the basis of the evidence heard by the DC. In the case of an appeal the DC direction does not take effect unless and until upheld by the Privy Council.

3.9 The DC and the PIC report to Council but only on the basis of providing information. Council does not and cannot alter decisions made by these statutory committees.

3.10 In terms of numbers, RCVS receives about 700 complaints a year. Of these, about two fifths are closed because they are not progressed by complainants or because they fall outside the statutory jurisdiction. About two fifths are closed at the case examination stage for a number of reasons, notably because the facts alleged would not amount to serious professional misconduct, or investigation fails to demonstrate that there is an arguable case to be answered. The remainder are referred to, and considered in detail by, PIC with about a dozen cases each year referred to DC.

Current constitution of the committees

3.11 In addition to the procedures, the VSA also prescribes the constitution of these two statutory committees; the members of PIC and DC must be members of Council, elected from among themselves. In addition, the PIC membership must include the President and two Vice-Presidents of the College (who again have been elected by Council from their own membership). In 1999 RCVS Council voted to allow lay people (ie people not eligible, nor ever having been eligible, to be registered as a veterinary surgeon) to sit as observers with the PIC. The lay observers are independent of RCVS and although not voting members of the committee, they take part in discussions and comment on the procedure and the merit of the complaints. The current statute indirectly allows for lay members of both PIC and DC, as they can be drawn from the Privy Council and university appointees to Council. However, there is nothing in the statute insisting that the committees must have lay membership. In practice RCVS appoints the limited number of lay Council members onto DC, as there the need is greater.

3.12 Special provision is made for the constitution of the DC in the case of proceedings relating to veterinary practitioners (persons whose names are entered in the Supplementary Veterinary Register under section 8 of the Veterinary Surgeons Act 1966). Currently if a disciplinary case relating to a veterinary practitioner were to come before DC an additional four persons from the Supplementary Veterinary Register, appointed by Ministers, would need to be added to the committee.

3.13 The VSA also specifies: the detail of timings of elections to the PIC; appointment of the chairs; the quorum for individual meetings of the PIC, the DC in relation to veterinary surgeons and the DC in relation to veterinary practitioners; provision for the Council to set

[5] Section 17 Veterinary Surgeons Act 1966

a term of office for members of the committees; and a provision ensuring that no person can sit on a DC hearing if he/she has previously been a member of the PIC for the same case.

The need for reform - eligibility for membership of the committees

3.14 The statutory framework for the investigation of veterinary conduct is now over 40 years old and requires amendment. Although functional, it needs to take account of current expectations. Best practice requires separation of responsibilities between those who set the standards (RCVS Council) and those who investigate and adjudicate on possible breaches of those standards (PIC and DC – statutory committees currently constituted from members of Council).

3.15 Precedents exist in legislation specifying the disciplinary machinery of the main human health regulators (General Medical Council; General Dental Council; Nursing and Midwifery Council; and Health Professions Council). The report "Veterinary Surgeons Act 1966" published by the Environment, Food and Rural Affairs Committee of the House of Commons on 14 May 2008 included a recommendation that there was a pressing need for the disciplinary process for veterinary surgeons to be updated.

3.16 In addition, there is also public pressure to reform the College's disciplinary machinery. Between 2006 and 2011, over 80 letters were written to the Department by members of the public about the way in which the complaints against veterinary surgeons were handled by RCVS. It also needs to be considered that to have a robust system which complies with article 6 to Schedule 1 of the Human Rights Act 1998 ("HRA") on the right to a fair trial, there must be independence and impartiality shown in disciplinary proceedings. Without such a system there is a real risk that an appeal against a decision made by the DC could be lodged with the Privy Council on the basis of a breach of the HRA. It is also possible that a legal challenge could be made against a decision made by the PIC. Although there is no specific provision in the VSA, this would not inhibit a judicial review or challenge under the HRA.

3.17 In the case of *Preiss v General Dental Council* [2001] 1 WLR 1926 the dual role of the President as a preliminary screener and also the chair of the Professional Conduct Committee was considered in the context of a breach of article 6 of Schedule 1 to the HRA. The appellant appealed against a decision to suspend him from the Dentist's Register on the basis that he had been denied a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law as guaranteed by article 6. It was held that the dual role of the President gave an appearance and a real danger that the Professional Conduct Committee lacked the requisite independence and impartiality (although the appeal was allowed on other grounds). Similar arguments about the independence of members of DC have been raised in a recent case before the Judicial Committee of the Privy Council (*Holmes v Royal College of Veterinary Surgeons* [2011] UKPC 48); judgment was given in December 2012 and the

Privy Council supported statutory reform to ensure that members of the statutory committees will be chosen from outside RCVS Council.

3.18 There is also a need to prescribe in statute the involvement of lay people on both the PIC and the DC. This is to address any criticism that the profession "looks after its own", thus maintaining public confidence in RCVS. RCVS also feels that there is a need to ensure that the 'rules' of serving on the statutory committees are tightened. Thus, the term of office will continue to be set by Council, a limit will be set for the number of terms which can be served by each committee member and in what capacity they will serve, namely as a registered person (veterinary surgeon or veterinary practitioner) or as a lay member. It also proposes to introduce an appraisal system to accompany the new appointments process. This is in line with the Code of Practice for public appointments, although RCVS is not obliged to follow this.

3.19 Reforming the eligibility for membership of both of the statutory committees that deal with disciplinary cases would be consistent with the order-making powers under Section 2 of the Legislative and Regulatory Reform Act 2006 ie ensuring that regulatory functions are exercised so as to comply with the Better Regulation Commission's principles of good regulation: transparent, accountable, proportionate and consistent. A proposed new membership of the committees from outside RCVS Council and, in part, outside the profession, to further the separation of powers, meets these principles.

The need for reform - prescriptive size of the committees

3.20 As mentioned in paragraph 3.10 about a dozen cases are referred annually by the PIC to the DC and RCVS has been finding that under the present statutory constitution the DC does not have a sufficient number of members to deal with the current workload, even sitting in quorate panels drawn from the full committee membership. Although the number of cases coming to the DC is fairly static, the cases are becoming more complex, meaning that each case is taking longer to hear. The current system is under strain as RCVS Council members struggle to find time for the increasing numbers of DC sitting days: 16 sitting days in 2008, 32 in 2009, 36 in 2010 and 40 in 2011. RCVS has projected 68 sitting days for DC this year (2012)[6]. These figures represent a growing trend and the current level of case consideration has only been achieved largely through goodwill. Reliance on this limited resource to devote sufficient time to consider and make judgements on important disciplinary matters would be detrimental to the effectiveness of the RCVS in discharging its disciplinary function and unsustainable for the future.

3.21 In addition RCVS advises that the current constitutional arrangements for their statutory committees are unnecessarily restrictive and that the disciplinary process could be improved by the introduction of more flexible arrangements. As well as proposing to

[6] Figures provided by RCVS

constitute the committees from outside Council and to increase the size of the committees, Government should provide for flexibility (particularly regarding the size of the committees) in case it is needed in the future, without the need for further legislative amendment.

3.22 In introducing larger committees, combined with more flexible arrangements we would intend to use the order-making powers under Section 1 of LRRA - remove or reduce burdens – specifically the removal of an obstacle to efficiency.

Chapter 4: The detailed proposals and the draft Order

4.1 The following chapter (paragraphs 4.1 to 4.20) of this explanatory document provide a summary of the provisions of the draft Order together with an explanation of the policy and some operational context.

Structure and commencement

4.2 The draft Order comprises three articles. It serves to replace the current Schedule 2 Part I of the Veterinary Surgeons Act 1966.

- Article 1(2) of the draft Order provides that the Order will come into force on 6 April 2013.

- The provisions relating to the constitution of the Disciplinary Committee and Preliminary Investigation Committee are at article 2 of the draft Order, which replaces Schedule 2 Part 1 of VSA in its entirety.

- The transitional arrangements, which allow for a phased move from the existing statutory constitution to the new constitution are contained in paragraph 3A of article 2. These are discussed in more detail in paragraph 4.18 of this explanatory document.

- Article 3 makes provision for a review of the policy.

Changes to constitution of PIC and DC

4.3 Membership, and chairs, of both the DC and PIC will no longer be drawn from, and elected by, Council. Members of Council, as well as employees of Council or the College, will be ineligible to serve on either committee. This ensures there is the desired best practice separation of powers between those setting standards and those who adjudicate on those standards, helping to maintain confidence in the system. This should support the principles of transparency and accountability. This provision will be at paragraph 2(1) of the new Schedule 2 Part I.

4.4 The new committee members will be formally appointed by Council, with the chair of each committee designated at appointment. These provisions will be at paragraphs 1(1) and 1(5) of the new Schedule 2 Part I.

4.5 RCVS Council will not play an active role in the selection of members to the committees. It has agreed to set up a small, independent selection committee to advise it on the appointment of external members of PIC and DC. An external recruitment agency will advertise the vacancies, receive and sift applications, interview an initial selection of candidates (long list) and recommend and provide shortlisted candidates for interview by

the RCVS selection committee. It is intended that the first list of successful candidates will be given to Council for ratification in June 2013. RCVS plans to work in line with the Code of Practice for Public Appointments. Appointing persons selected against an advertised job specification should ensure that those recruited to serve on the committees will have the necessary skills and experience to discharge the functions required of them. This should satisfy conditions of transparency, accountability and consistency. It can be seen from the accompanying Impact Assessment (Annex D) that the greatest cost for RCVS will be incurred on recruitment (both initial and ongoing); these costs and the effort made with the recruitment, are considered proportionate to the benefits sought.

4.6 Both the DC and PIC will be comprised of registered persons and lay persons, with a minimum proportion of one-third lay persons and one third veterinary surgeons required to serve on each committee. This provision will be at paragraph 1(4) of the new Schedule 2 Part I. At present RCVS does strive for a balance of veterinary surgeons and lay people, stating it in their internal policies for DC and the appointment of lay observers for PIC. However, although the current Act does allow for lay members of DC there is no provision that insists upon it. The amendment to the Act seeks to remedy that, mitigating any perceptions of bias and of the veterinary profession "looking after its own".

4.7 The original proposal, as consulted upon, put forward the provision for a minimum of one-third lay persons to serve on each committee but remained silent on the proportion of veterinary surgeons. Responses to the consultation revealed, albeit to a different question (that of the quorum size), that concerns of adequate representation ran both ways. Hence the draft Order making provision concerning both lay and registered persons. This should satisfy both public confidence and the confidence of those who have a complaint made against them and support the principles of transparency, accountability and consistency.

4.8 The draft Order provides that the current provision where a person may not sit on a DC case hearing if they were involved in the PIC for the same case is retained. This is in keeping with good judicial principles, ensuring there is no risk of bias in DC's deliberations. This provision will be at paragraph 2(4) of the new Schedule 2 Part I.

4.9 The enactment of article 2 of the draft Order means that special provisions for the constitution of the Disciplinary Committee when considering a case against any veterinary practitioner registered in the Supplementary Veterinary Register[7] will be removed because no equivalent provision is made in the new Schedule 2 Part I. The consequence is that, in the event of any disciplinary proceedings, veterinary practitioners would be subject to the same procedure as veterinary surgeons. This legislative amendment supports better regulation principles by removing outdated and unnecessary provisions through simplification and streamlining. A specially constituted DC in relation to veterinary practitioners was provided for originally to ensure that such a registrant would be assured of a fair hearing; which perhaps would not have been the case if the panel was dominated

[7] Under section 8 of the Veterinary Surgeons Act 1966

by veterinary surgeons. This provision is no longer considered necessary for the following reasons:

- the numbers of persons registered on the Supplementary Veterinary Register have diminished; there are now only eight and all are declared as non-practising. Therefore, the likelihood of them being subject to a disciplinary case is negligible;

- a fair hearing and removal of veterinary surgeon bias has been provided for in the statutory requirement for lay persons on both of the committees;

- having only a small pool of people from which to select the additional members for DC (in the event that they were needed) makes this provision extremely difficult to sustain. (Therefore removal of this provision also represents the removal of a burden – obstacle to efficiency);

- as “registered persons”, veterinary practitioners will be eligible to apply to sit on the committees should they choose to do so.

4.10 Reforms to the size of both PIC and DC represent a removal of a burden defined as “an obstacle to efficiency” in the exercise of the College’s existing statutory functions. It is proposed that the number of members of the Disciplinary Committee will increase from 12 to 20 and the Preliminary Investigation Committee from 6 to 9. The effect to be achieved is that it will be much easier, and possibly quicker, to assemble a panel (for DC) for an individual case-hearing from a larger “pool” of people. It also allows for 9 full members of PIC, rather than 6 with 3 observers. These provisions are to be found at paragraphs 1(2) and 1(3) of the new Schedule 2 Part I.

4.11 The quorum for any one meeting of both PIC and DC is specified. This remains unchanged from current statute at three for PIC and five for DC; provisions to be found at paragraphs 3(1) and 3(2) of the new Schedule 2 Part I.

4.12 It had been proposed at consultation to reduce the quorum of DC to three, which would bring it into line with precedents set in other comparable professions for their disciplinary committees (e.g. General Medical Council, Nursing & Midwifery Council, and General Dental Council) and would give the College flexibility to sit with a smaller and more cost efficient panel in certain cases. This proved to be controversial, so the draft Order now sets the provision at five. (see paragraphs 5.39-5.41 for further details). The consultation responses also revealed that one of the concerns was the potential for a “lone voice” at a meeting, whether that be a veterinary surgeon or a registered person. Therefore, provisions regarding the makeup of each quorum have been formulated to take these concerns into account. Of the three making up the quorum for Preliminary Investigation Committee, one must be a lay person and one must be a registered person (paragraphs 3(1)(a) and 3(1)(b) of the new Schedule 2 Part I); of the five making up the quorum for Disciplinary Committee, two must be lay persons and two must be registered persons (paragraphs 3(2)(a) and 3(2)(b) of the new Schedule 2 Part I). The provision then allows the remaining members of the quorum to be either registered or lay persons.

4.13 In order to ensure that there is an on-going cycle of retirement and replacement within the committees the draft Order makes provision that members will be able to hold no more than two terms of office on each committee, whether or not these were consecutive. Once the new system is established and there is an ongoing cycle of recruitment/ replacement this will ensure that the committees are always 'fresh' with less risk of potential conflicts of interest. This gives more people (both registered persons and lay persons) the opportunity to sit on the committees. This provision can be found at paragraphs 2(2), for PIC, and 2(3), for DC, of the new Schedule 2 Part I. It is intended that this applies only to the new recruitment and appointment system and will not apply retrospectively. There is nothing in the draft Order which prevents previous members of these committees from applying through the open system, regardless of how many terms of office they had sat in the past. They would, of course, be subject to the same independent selection process as other candidates and must no longer be a member of RCVS Council.

4.14 The term of office that committee members can hold will be set by RCVS Council and the draft Order contains this provision at paragraph 1(6)(a) of the new Schedule 2 Part I. This will be published in a new set of bye-laws, expected to be agreed and adopted by Council in March 2013. When adopted the bye-laws will be available on the College's website[8].

4.15 The draft Order also makes provision at paragraph 1(6)(b) of the new Schedule 2 Part I for the Council to determine requirements about fitness to be a member of the committees. Again the detail will be contained in RCVS bye-laws. Among other things, it is proposed to require committee members to comply with the new appraisal arrangements that were put forward in the consultation document and both the consultation and full Impact Assessments. This should again support the principles of transparency, accountability and consistency. More detail about the proposed content of the new bye-laws can be found in paragraphs 4.22 to 4.33 of this explanatory document.

4.16 It is right and appropriate that such details are held in the bye-laws. This allows RCVS to keep pace with changes in expectations and ensure flexibility should amendment be required in the future. The bye-laws will be made under article 22 of the Supplemental Charter of 1967.

4.17 We also want to ensure that when the legislation is amended we have anticipated future burdens. RCVS recognises that over the coming years, there could be a need to further increase the number of members of both committees if the trend for an increase in workload continues. Therefore, it is proposed that in addition to increasing the size of DC from a fixed 12 to a minimum of 20 members, flexibility would be introduced to increase the number of members up to a maximum of 40 members (paragraph 1(3) of the new Schedule 2 Part I). Similarly, it is proposed that PIC will change from its fixed 6 members plus 3 observers to a minimum of 9 full members, but with the flexibility to raise this to a

[8] http://www.rcvs.org.uk/home/

maximum of 15 members (paragraph 1(2) of the new Schedule 2 Part I). There are no indications at this stage that RCVS will need to use this provision in the short to medium term. We also wish to remove the burden, which is an obstacle to efficiency, of prescribed timings of committee appointments and leave the flexibility with RCVS. Therefore the draft Order (unlike the current Schedule 2 Part 1) is silent on this matter.

Transitional provision

4.18 Transparent, accountable and consistent processes take time to establish, therefore the draft Order makes provision for a period of transition. During the first two years there will be a phased replacement of Council members with non-Council as well as the proposed increase in size of the committees. The transitional provisions are thus drafted to make provision that the committees do not have to be at their full increased size of nine for PIC and 20 for DC until the transitional period has ended on 1 July 2015. This is at paragraphs 3A(1)(a) and 3A(1)(b) of the new Schedule 2 Part I. Paragraph 3A(1)(c) and 3A(2) of the new Schedule 2 Part I allows for both committees to continue to have RCVS Council members, elected in the existing manner, for the two year transition period. The transitional arrangements will enable the committees to be fully constituted and trained, as well as ensuring continuity for those cases that are already in the system, which may be adjourned or part-heard. Further detail on the proposed phasing-in of the new committees can be found in Annex C.

Interpretation

4.19 Paragraph 3B of the new Schedule 2 Part I defines “lay person” and “registered person”. A registered person is an individual registered in the RCVS register or Supplementary Veterinary Register or a person who is entitled to be registered in either (ie holds qualifications which entitles the individual to be registered). This is with the exception of those registered, or entitled to be registered, under section 7 of the Veterinary Surgeons Act 1966. This deals with temporary registration, or registration with restrictions, of two categories of people who are not entitled to be registered in the usual way. These are newly qualified students before they have had their degree conferred (when they can register in the normal way) and holders of certain overseas veterinary qualifications which are not recognised for the purposes of full registration in the UK. These individuals would not have the desired breadth of relevant experience of working as a veterinary surgeon and/or quality of qualification to be an effective member of the PIC or DC.

4.20 A lay person is someone who is not or has ever been a registered person; nor may they be or have ever been entitled to apply for registration. Essentially this means people who do not hold the veterinary qualifications required for the purposes of registration.

Review of policy

4.21 Article 3 of the draft Order provides for a review of the policy three years after full implementation, as required by the Coalition Government’s policy on reducing regulation. Thus the first review will take place no later than July 2018. As there is no automatic

sunsetting of this Order, given that it is amending primary legislation, the review will take place recurrently at a period of every five years. Furthermore, the Department for Environment, Food and Rural Affairs was advised by Better Regulation Executive that no sunsetting was required because as a Legislative Reform Order is by definition about reducing burdens, it should fall outside the scope of the sunsetting guidance.

Proposed RCVS bye-law changes

4.22 **PIC and DC will still be committees of Council.** As such, Council will be responsible for appointing their members, and the committees will operate, like other RCVS committees, within the framework of bye-laws made by Council. It proposes to make bye-laws to cover the following areas, following approval of the draft Order by Parliament. These proposed bye-laws take account of precedents in the rules of the regulators of the main human health professions.

4.23 As mentioned in paragraph 3.8 it is not only the VSA and the bye-laws that will determine the operation of the committees. DC functions in accordance with the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules 2003 which are made by RCVS under Part II of Schedule 2 to the Veterinary Surgeons Act (the “Rules”). This SI is not affected by the draft Order. The Rules are supplemented by non-statutory guidance and a manual to aid members of the committee.

4.24 **Appointment of committee members:** under the legislative proposals Council will be formally responsible for appointing the members of PIC and DC but it will be important to safeguard the independence of the committees by setting in place an objective and transparent appointments procedure in the bye-laws. The bye-laws will take account of a decision by Council that it will set up a new committee to advise it on the appointment of members of PIC and DC and to have regard to the advice of that committee before making the appointments. Members of the Council will not be eligible to serve on this committee.

4.25 **Fitness to serve on committees:** as mentioned in paragraph 4.15, the draft Order provides that committee members may hold office so long as they satisfy conditions set by RCVS Council concerning fitness to serve. There are precedents for such conditions in the rules of the regulators of the human health professions, such as the General Medical Council (Constitution) Order 2008 (SI 2008/2554). It is proposed that the RCVS bye-laws should generally follow this model.

4.26 **Term of office:** members of PIC or DC will be appointed to serve for four years or such other term as the Council may determine in a particular case. This will give the necessary flexibility to ensure that terms of office are appropriately staggered.

4.27 In addition to the legislative provision that a person who has acted as a member of PIC in respect of a particular case is not to act as a member of DC with respect to the same case, the bye-laws will specify that a person who has served as a member of PIC will not be eligible to serve on DC within three years of ceasing to be a member of PIC.

4.28 **Chair:** the Council will have power to designate other committee members who can take the chair at panel meetings or full committee meetings in place of the Chair of the committee. These designated members will be “vice-chairs”.

4.29 Provision will be made for meetings of PIC for who will chair a meeting if, during the course of that meeting, the person already designated to chair must stand down. This could happen because of, for example, indisposition or conflict of interest. The rest of the meeting will be chaired by the PIC Chair, another vice-chair or another member of the committee who has been chosen by the members present at the meeting . No similar provision is need for DC because this is already covered in the procedure Rules.

4.30 **Convening of hearings:** DC will have power to meet and conduct inquiries with less than the full membership of the committee being present, i.e. the new bye-laws will expressly authorise the practice of functioning through panels, while still observing the statutory quorum. Any decision made by the committee at such a meeting or inquiry will be a decision of the committee, provided that the statutory quorum for meetings of the committee is observed.

4.31 **Clerk:** the RCVS Registrar will appoint a clerk to PIC. This clerk can be an employee of the College but not a member of the Council. The clerk will convene meetings of the committee having consulted the Chair (or any necessary vice chair). At least ten days' notice will be required for every meeting, unless the Chair (or vice-chair who is to chair the meeting) approves a shorter period of notice. Again, no similar provision is need for DC because this is already covered in the procedure Rules.

4.32 **Appraisal:** PIC and DC will be required to put proposals to Council for regular appraisal of the performance of their members, and will be required to implement such arrangements as Council approves.

4.33 **Reporting to Council:** - the committees will be required to report to the Council from time to time on the discharge of their statutory functions.

Chapter 5: Consultation

Details of the consultation

5.1 A public consultation process according to section 13 of the LRRA began on 16 January 2012, ran for 12 weeks and closed on 10 April 2012[9]. The consultation sought views on the full proposals to make amendments to the Veterinary Surgeons Act 1966 that would alter the membership and size of the Disciplinary Committee and Preliminary Investigation Committee. It also sought views if a Legislative Reform Order is an appropriate mechanism for making these changes, including the meeting of the pre-conditions in section 3(2) of the LRRA and if there was agreement with the proposed Parliamentary Scrutiny procedure. The consultation document did not contain a draft Order. The draft Order has been prepared taking consultation responses into account.

5.2 Copies of the consultation were distributed to stakeholders, Ministers, the Devolved Administrations and the Parliamentary Committees. In total thirty-two responses were received from a variety of stakeholders including:

- organisations representing the veterinary profession
- individual veterinary surgeons or practices including members of the current RCVS Disciplinary Committee
- animal welfare charities
- a former lay member of RCVS Council
- the British Veterinary Nurses Association
- the Farriers Registration Council (a comparable regulator)
- “Animals Deserve Better”, an action group representing pet owners, as well as individual animal owners
- other professional and academic bodies

5.3 Lists of those to whom a copy of the consultation package were sent and of the respondents are at Annexes A and B respectively. A summary of the responses have been published on the Defra website, with the original consultation package; a full set of responses were also made available at the Defra library, with the exception of that received from the single respondent who requested non-disclosure. One of the responses was from a consultee who said that this was outside their particular interest and scope.

[9] The consultation is available at http://www.defra.gov.uk/consult/2012/01/16/veterinary-surgeons-1201/

Two responses also went beyond scope: one using the consultation exercise to express general dissatisfaction with the system with another from a pet owner recounting a dispute with their veterinary practice. We have still counted these responses in our analysis of the consultation.

5.4 During the consultation exercise, Defra officials issued an invitation to certain stakeholders to further discuss the LRO proposals. Only one veterinary organisation took up the invitation and we had a meeting with them on 23 February 2012. Their views along with the views of other respondents have been taken into account in the development of the final policy.

Details of the responses received and the Government response

5.5 The overall response to the consultation was positive, with the majority of respondents in favour of all components of the proposal. There was overwhelming support for the change to the membership of the RCVS disciplinary committees from Council members to non-council and very strong support to have a mix of both lay and veterinary membership on the disciplinary committees. There was also strong support to restrict conditions and terms of office for the committee members and to increase the committee sizes to reduce the burden upon RCVS. Strongest opposition was in relation to reduction of quorum size for DC. Overall it was recognised that the changes will make the disciplinary process seen as open and transparent and reduce burdens.

The policy proposals

5.6 Questions 1-9 of the consultation sought views on the individual parts of the policy proposal.

Q1. Do you support the proposal to change the membership of the RCVS' disciplinary committees from Council members to non-Council?

5.7 Twenty-nine of the 32 respondents answered this question and all were supportive of this change, especially viewed in terms of increasing independence and impartiality of these committees' processes and improving public confidence in RCVS. Many expressed the view that this is a long-awaited change. Concerns were raised regarding the fact that Council still maintained a role in the process through appointment of the committees. Some respondents wanted further details on how the recruitment and selection of members of the committees would operate questioning how it would be open and transparent if this part of the process was not detailed in the legislation.

5.8 In response to a different question, one respondent replied that RCVS councillors should be banned from such membership not just while serving on the Council but for at least a further 4 years after leaving the Council to help dispel any perception of a rolling "old boy" network.

5.9 **Government response:** the Government believes that the separation of powers principle is vital in bringing the disciplinary process of RCVS up to date, in line with other modern regulators. It is clear that this was the overwhelming view of the respondents to the consultation and vital for improving public confidence in the profession. In line with Government's view of commitment to the principle of self-regulation, improvements to the process which improves independence and impartiality are welcome.

5.10 Therefore, we intend to proceed with this proposal as outlined at consultation and provision shall be made in the draft Order.

Q2. Do you support the proposal to ensure that the disciplinary committees have a mix of both lay and veterinary membership?

5.11 Twenty-five of the 32 respondents answered this question and all of them supported this change for the principle reason of removing any perceived bias in the system and improving public confidence.

5.12 One respondent , while stating that they supported this proposal, had major concerns, again regarding the mechanics of the selection and appointments process and the fact that at consultation stage the full details of this were not known. This response reflected the worry that RCVS could have an undue influence upon the appointment of committee members, questioning the role of any independent recruitment agency.

5.13 Another respondent supported the inclusion of lay membership, only if such members have some knowledge of scientifically based evidential concepts. This respondent felt that animal rights extremists could be active in seeking places on the committees. One further response suggested that any lay members should receive training in veterinary surgeries in order to understand the difficulties that veterinary surgeons can face in day-to-day practice. One respondent pointed out that the term "lay" needed to be defined in the draft Order and should not exclude everyone with a professional or technical background. In response to a different question this issue was also raised in relation to Veterinary Nurses.

5.14 Seven responses suggested a preferred proportion of lay people that will comprise each committee; one of 40%, two of at least 50%, two of exactly 50%, one suggesting at least 40%, no more than 50% with 50% preferred and one saying that it was important the lay membership were "not overwhelmed by vets".

5.15 **Government response:** the Government believes that the overwhelming support that the respondents have given to this proposal reinforces our view that statutorily backed lay representation should help mitigate the perceived bias of the veterinary profession.

5.16 It has been seen that it will be vital that RCVS ensures that selection of candidates to the committees is independent of Council. This will be written into the new bye-laws that will accompany the statutory changes.

5.17 In terms of "appropriateness" of the lay persons appointed; a certain skill set will be required (of both registered and lay persons). The external recruiters will ensure that short-

listed candidates meet these criteria. Both “lay persons” and “registered persons” are defined in the draft Order. It is recognised that some may not be content with staff with some technical knowledge, such as Veterinary Nurses being defined as “lay”.

5.18 In terms of the proportions, it was clear that many respondents wanted a 50:50 split between lay and registered persons. We preferred to not be as prescriptive as this because a level of flexibility was needed to constitute the committees in ensuring we were not adding burdens rather than removing them. Therefore, the draft Order contains provision for at least one-third lay and at least one-third registered persons.

Q3. Do you support the proposal to restrict the terms of office and set conditions for office for members of the committees?

5.19 Twenty-two of the 32 respondents answered this question, with 20 supporting this change. It was felt that this would keep the committees focussed, stop “professional disciplinarians” applying to join the committees and a steady retirement/ replacement cycle turnover with new expertise and experience was seen as a positive step.

5.20 It was further suggested that a renewal of membership to a second term should be part of the appointments process and not an automatic right, with another respondent reiterating this opinion, but from the viewpoint that it was important to not lose effective committee members after one term in office.

5.21 One respondent felt that the consultation document had been incorrectly written as it could be interpreted as a person could perform two terms on PIC and then to serve a further two terms on DC. This was not an unintentional interpretation but the true intent; to restrict the terms on each committee to two.

5.22 One respondent replied “don’t know” to this part of the proposal as they felt there was a balance needed between “freshness” that new members could bring and the benefit which expertise and experience can bring to professional conduct deliberations. This respondent also felt it could be appropriate for a highly effective committee member to serve two terms and then move into the position of chair for a further term of four further years, which could be seen as an excellent application of experience and expertise and would reflect well on succession planning. The suggestion of two terms plus one as chair was also made by another respondent who answered in support of the proposal.

5.23 One respondent disagreed with the proposal to restrict to two terms of office on each committee. Their preferred option was to make a restriction of no more than two consecutive terms but that this should not extend to lifetime.

5.24 **Government response:** we intend to implement this as proposed in the consultation as we believe that best practice is for members to be appointed for a maximum of two four-year terms in line with better regulation principles. Those who have served two terms on either of the committees will not be able to apply on the other committee immediately after the expiry of their term. It is considered that it will often be beneficial to the committees to have a mixture of freshly appointed members as well as

more experienced members to strike the balance between experience and open-mindedness a new committee member can bring. Allowing members to serve for too long could be seen as a move away from a more open system that the reforms are to bring about.

Q4. Do you support the proposal to retain the provision that a person may not serve on the Disciplinary Committee if they were part of the Preliminary Investigation Committee for the same case?

5.25 Twenty-two of the 32 respondents answered this question and all of the responses were in support. They agreed that as well as retaining the good judicial principles that exist currently in this regard, to change such a provision could be detrimental to the aims of the proposed changes.

5.26 **Government response:** the Government is committed to best regulatory practice and satisfied that respondents are also overwhelmingly content with this principle; therefore, this provision should be retained in the draft Order. In addition RCVS intend to strengthen this provision by formalising, by way of their bye-laws, a current convention that a person who has served on PIC should not be appointed to DC within three years of the earlier appointment coming to an end.

Q5. Do you support the proposal to remove the current provision specific to veterinary practitioners registered in the supplementary register?

5.27 Twenty-one of the 32 respondents answered this question and all were in support of the change. It was felt that the current provision exists only for historical reasons that are no longer relevant.

5.28 However, one respondent, although answering in support did say that in the event of practitioners coming out of retirement, should the disciplinary process be necessary then they had the right to be judged by their peers and that this particular change should be enacted after the demise of the remaining eight practitioners.

5.29 It should be pointed out that the eight practitioners entered in the Supplementary Veterinary Register were each contacted individually, by post, with the consultation and none responded.

5.30 **Government response:** we intend to proceed with the removal of this provision as proposed. The suggestion that the provision should remain until the demise of the remaining eight veterinary practitioners was well-intentioned. However, this suggestion failed to recognise that, in the unlikely event of having to implement the current provision, it represents a large burden to RCVS to find four other veterinary practitioners willing and able to sit on DC. Once there are just four practitioners in the Supplementary Veterinary Register, the existing provision becomes impossible to implement. As all eight of these individuals were consulted and none responded we concluded that they did not disagree with the proposed change.

Q6. Do you support the proposal to increase the size of the committees?

5.31 Twenty-two of the 32 respondents answered this question, 21 of whom answered positively with the remaining respondent stating “do not know”. The main reasons given for support were to reduce the burden on individual members which is becoming unsustainable with the current system. This is particularly with respect to the input required for the increased complexity of cases both in terms of preparation and hearings. It was felt that this change would be beneficial in view of the diversity and complexity of cases.

5.32 One of the respondents, although supporting the change said that they felt it was not necessary - but wise - so on balance this suggestion is important to improve turnaround time. Another respondent qualified their support that increase in committee size was welcome providing that the span of expertise and particularly experience in the complaint arena, often political, is maintained. A further respondent commented on the size proposed saying that the committees needed to be as large as required to cope with the workload without compromising fairness, such as delays to cases.

5.33 A point was made that the increase in committee size must be carefully considered, so as not to debar any member from serving a minimum number of days per annum and that a not inconsiderable amount of active service should be an absolute prerequisite for ensuring that each and every person becomes and effective member. This comment was made particularly in relation to Disciplinary Committee.

5.34 Another respondent responded positively, but with qualification, feeling that PIC could be reduced to five persons and that nine members would add no benefit to the transparency or fairness of PIC reviews. This respondent also felt that DC should be constituted with a maximum of 20 and, again, that the new committee members should be set requirements for a minimum number of days served per annum.

5.35 The respondent who was unsure if the increased committee size was necessary explained that the reason for giving this response was because it was proposed to populate the committees with newer faces with less outside commitments meant that the committees could potentially survive with fewer numbers meaning cutting the cost of recruitment and training significantly.

5.36 **Government response**: it is intended that we will lay a draft Order which contains the provision to have a minimum of nine members of PIC and 20 on DC to remove the burdens currently encountered convening a meeting from a relatively small number of people. It would not be considered attractive to make membership of DC or PIC a “full time job”. Candidates will be appointed to the committees because of the skills they bring from other areas of life; there is no reason to assume they are any less “busy”.

5.37 It is recognised that most of the concerns regarding increased size of the committees were to do with cost. However, as explained in the Impact Assessment, it is felt that these costs are not significant and that they are outweighed by the benefits.

5.38 The concerns regarding members attending for enough days each year to make them a valuable member of the committee are valid. RCVS intend to have bye-laws which

state poor attendance or non-attendance at training would be a reason for removal from the committee in question.

Q7. Do you support the proposal regarding the quorum size of the committees?

5.39 Twenty-three of the 32 respondents answered this question, with 15 supporting the change. Nobody responded in relation to the quorum for PIC staying at three, but comments were received in relation to the proposal to reduce the DC quorum from five to three. One respondent was unsure feeling that three was perhaps too small a number given the seriousness of the matter. Few people could see the need to reduce the quorum in any practical terms (eg efficiency) if the overall size of the committee was to be increased.

5.40 Different respondents felt that that a quorum of three meant 1+2 and saw a “lone voice” being outnumbered, whether this be a lay or registered person, and if that “one” was lay then the criticism of “vets looking after their own” would still not be addressed. Another reason, given by two respondents was that a range of veterinary opinion and experience was needed on a panel. This was increasingly important as cases get more complex.

5.41 **Government Response:** Because of the key role of DC, its quorum and size have been subject to careful consideration. The consultation document originally sought to reduce the quorum of DC to three, in line with other comparable professions. However, having taken into account consultation responses, and that that RCVS stated their intent to continue with current practice (a quorum of 5 + 2 extra) we considers that RCVS should maintain the current quorum of five for DC. The draft Order reflects this.

Q8. Do you support the proposal to provide flexibility for the future as regards the size of the committees?

5.42 Twenty-one of the 32 respondents answered this question with all 21 supporting this proposal, with comments with the general feeling that it was sensible to future-proof the legislation.

5.43 It should be noted that one respondent, in response to a different question, did state that they did not see any justification for the flexibility proposed to allow the DC to be expanded to 40. However, in response to this specific question (Q8) they said that they supported the proposal and an increase should be geared to the number of case days.

5.44 Two of the respondents commented that it was important to ensure that, regardless of size, the correct mix and spread of skills were available on the committees; one of these respondents suggesting that in order to get the correct expertise that could be called upon the maximum numbers stated may not be enough.

5.45 Another respondent, stating that they were supporting this change, seemed less convinced in their expanded comments. This was because, in their view, the number of cases taken to DC per year is static, just each case taking longer to adjudicate. They felt that the proposed initial increased size (20) should be able to cope even if that meant for some committee members it approached a full time job.

5.46 **Government response:** it is sensible to future-proof the legislation and provide for increased committee size in the future should it be needed, without the need to return to Parliament to further amend legislation.

Question 9 to the consultation was much more general one about the proposals.

Q9. Do you have views regarding the expected benefits of the proposal?

5.47 Nineteen of the 32 respondents answered this question with 15 submitting positive views regarding the expected benefits. The main welcome changes cited were the impartiality, transparency and accountability of the process and increased compliance with human rights legislation. A number of the respondents also saw improved efficiency (for both the veterinary surgeon being investigated and the complainant) and less burden on committees as a necessary change.

5.48 One respondent saw no benefits stating that the changes were “all for show” and the separation of law makers from enforcers would not improve the quality of justice but would increase the cost of administering it.

5.49 Three of the responses were ambivalent. One suggested that the proposals went half way to delivering a more transparent, open and independent function and that RCVS should go further and separate regulator/ jury function to offer total transparency. Another respondent said they were unsure of the eventual benefits but it was necessary for RCVS to demonstrate impartiality in the governance of the profession in order to maintain a respected voice in animal health and welfare related public and private affairs. The third view was that Veterinary Nurses or other veterinary employees should have been explicitly mentioned in the proposals as their membership of the committees could be a benefit. It is recognised that such appointments would need to fulfil transparency, consistency etc criteria.

5.50 **Government response:** it is perhaps unsurprising that some respondents offered a certain level of cynicism to such a general question as confidence in the system is low at present. We feel that this in itself justifies the change. Despite low morale and a general undercurrent of a wish to go further there was general recognition of the benefits of impartiality, transparency and accountability of the process and increased compliance with human rights legislation. Once the policy is in place there will be a post-implementation review to ensure that it has gained expected benefits and achieved expected objectives.

The mechanism of the Legislative Reform Order

5.51 Questions 10-16 sought views on the suitability of a Legislative Reform Order as the mechanism to make the changes; question 10 relating to appropriate use of s2 LRRA, question 11 relating to appropriate use of s1 LRRA, questions 12-16 relating to the pre-conditions s3 LRRA.

Q10. Do you think that the proposal will secure that regulatory functions will be exercised so that they are transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed?

5.52 Twenty-one of the 32 respondents answered this question, with 16 agreeing that the proposals provided for the principles of Better Regulation. It was suggested that RCVS could also go beyond the statute in terms of transparency and publish documents about the process and how it will be enacted, offering reassurances that cases will be fairly, perhaps offering examples within documentation about how cases are selected and processed. This could assist the new committees to refute any challenges of bias that might continue to arise.

5.53 One respondent disagreed with this view feeling that actions were not proportionate or targeted. The response referred to aspects of regulation being looked at by RCVS in an exercise separate from the changes proposed in this draft Order. Therefore this respondent felt that the changes brought about by the draft Order were not securing better regulatory functions as a whole.

5.54 Four of the responses were unsure. In two cases this was because some of the detail of the process (such as how the selections will be carried out) was undefined and much was dependent upon this selection. One agreed that they could see that there was greater transparency but not necessarily evidence that there would be increased proportionality or consistency. A further respondent said that there was a problem with all professional disciplinary committees and that a law department with properly informed lawyers was necessary.

5.55 **Government response:** Although 11 out of 16 respondents agreed that the policy was in line with better regulation principles, there were 5 respondents who felt unable to do so. These respondents were unable to form a view on consistency, transparency or accountability at the consultation-stage when they were unsighted of much of the detail; confirming their scepticism of transparency. We believe that the policy proposal is proportionate to the objectives sought and that if RCVS implements a recruitment and appraisal system in the manner proposed, this policy does indeed promote better regulation principles and that a Legislative Reform Order remains an appropriate mechanism

Q11. Do you think the proposal will remove or reduce burdens?

5.56 Twenty two of the 32 respondents agreed that they could foresee more effective operation and delivery, reduce burdens upon individuals to a manageable level and reduce levels of anxiety of those complained against.

5.57 Two of the respondents answered that they did not feel burdens would be removed or reduced. However, one of these declined to offer comments to back up their assessment in order for us to understand their concerns; the other said that it was because the system is an anachronism and more needs to be done to be compliant with law and that justice is simply not being done.

5.58 Four responses to this question stated “don’t know”. One could not see where enough suitable persons would be found to populate the committees, another mentioned the cost burden of increased committee sizes while a third said that burdens were not removed just transferred and spread out. The final “don’t know” said that it “may or may not reduce burdens” but that this was less important than being treated fairly.

5.59 Government response: From the expanded responses we received it would appear that consultees misunderstood what was meant by “burden” in the context of the Legislative and Regulatory Reform Act 2006. At several points in the consultation document it defines that the “burden” we are seeking to remove is “an obstacle to efficiency” to RCVS to carry out their statutory duties. It is not meant as a time burden upon individuals or a cost burden; this is how it has been interpreted by the respondents. We continue to hold the belief that the flexibility introduced by the new policy along with increased committee sizes does improve efficiency for RCVS ie the burden has been removed; therefore, a Legislative Reform Order remains an appropriate mechanism.

Q12. Do you think that there are any non-legislative means that would satisfactorily remedy the difficulties which the proposals are intended to address?

5.60 Twenty-one of the 32 respondents answered this question, with 18 of them agreeing that they were unaware of how these changes could be made by non-legislative means.

5.61 Two respondents said that they did not know, but offered no further explanation. One respondent felt that the difficulties could be remedied by providing satisfactory training for Preliminary Investigation Committee.

5.62 **Government response:** There is no other way of effecting the policy objectives other than through the changes proposed. These can be achieved only through amendment to the Veterinary Surgeons Act 1966.

Q13. Are the proposals put forward in this consultation document proportionate to the policy objective?

5.63 Twenty-one of the 32 respondents answered this question, with 18 of these agreeing with our assessment in this regard. Most chose to not expand upon their reply. One respondent qualified their answer by saying that the proposals were firm enough without being too restrictive while another believed the proposals should reassure that cases are being dealt with fairly.

5.64 Three respondents did not believe these proposals were proportionate. One of these responses was specifically the number of people appointed to the committee (but had responded positively to question 6); another felt that the proposals needed to be more robust to meet the stated objectives; the third suggested that the subject matter was too important to be left to amateurs, no matter how well meaning.

5.65 **Government response:** we continue to believe that this is a proportionate policy approach. The current system is no longer workable. The approach that has been

proposed is designed to minimise costs (through sharing of overheads) and avoid legislative complication. There is precedence in the legislation of the regulatory bodies of the major human health professions. It is usual for tribunal systems to be supported by lay people to bring transparency and objectivity to proceedings.

Q14. Do the proposals put forward in this consultation document taken as a whole strike a fair balance between the public interest and any person adversely affected by it?

5.66 Twenty-one of the 32 respondents answered this question. 19 answered yes, agreeing with the assessment. One qualified that they did not feel that the reduction in quorum (Q7) struck a fair balance, but that the proposals as a whole did. Another supplemented their response by suggesting RCVS could publicise better where veterinary surgeons can go for advice if someone raises a complaint against them. One respondent agreed that the interests of all parties involved in a complaint are increased, whereas the relative cost to each registered veterinary surgeons is small. Another respondent was also of the view that the proposals both promoted public interest and improved matters for those complained against.

5.67 One respondent was not sure whether the proposals struck a fair balance as felt they needed to be more robust.

5.68 One respondent disagreed with the assessment of fair balance as the changes would do nothing to protect the individual in marginal cases.

5.69 **Government response**: the question of quorum size has been addressed (Q7). On the whole respondents were content that this pre-condition had been met. It may be worth RCVS considering if it is appropriate to publish sources of advice for veterinary surgeons against whom a complaint has been made as part of the transparency of the system. This is not an area in which Government intends to intervene.

Q15. Can you identify any necessary protections which would be reduced or lost as a result of the proposals? If so, are they needed and how could they still be provided?

5.70 Twenty-one of the 32 respondents answered this question, with 16 agreeing with our assessment in this regard. Few chose to expand upon their answer, but one did say that they were of the view that the separation from RCVS Council, increases the protection of all RCVS members and complainants.

5.71 One respondent who believed necessary protections were being reduced or lost did not expand any further to explain what they thought these were. There was some difficulty in understanding a further answer disagreeing with this assessment which said necessary protection were being removed because “responsibility has been in too few hands over a large number of years”.

5.72 Three respondents were unsure if necessary protections would be reduced or lost. One felt that provided the new committees were fairly constituted and mandated, there

should be no protections reduced or lost but that level of detail was not yet known. Another thought that the proposals could be viewed by veterinary staff as 'non-protective' resulting in numerous 'complaints' about their service. This respondent reiterated the view they had given in Q10, that RCVS could provide clear guidance about the disciplinary process and its handling. The third did not expand upon their answer.

5.73 **Government response:** we have been unable to adequately respond to the views that did not agree with our assessment because one did not say why and the other was difficult to understand. Those who were unsure of our assessment that no necessary protections were being removed were mainly because they could not visualise the detail of implementation. We are content that RCVS have a robust plan as to how they will implement this policy and that, as stated in paragraph 2.15, no necessary protections are to be removed as a result of this proposal.

5.74 Again, we find the suggestion that RCVS should provide more informal guidance as to their processes would increase transparency, but have no intention to intervene in their decisions in such matters.

Q16. Do the proposals put forward in this consultation prevent any person from continuing to exercise any right or freedom, which they might reasonably expect to continue to exercise?

5.75 Twenty-one of the 32 respondents answered this question. None disagreed with the assessment, with 19, agreeing with our assessment in this regard. Two were unsure, one saying that a legal opinion would be needed to answer this question. The other made points about the responsibilities of a veterinary surgeons and that this should be covered in detail at undergraduate level; responsibilities of entering a vocational profession should be clarified and stressed and any changes should be communicated to every member in an attractive and readable manner.

5.76 **Government response:** Government's legal opinion is that these proposals do not prevent any person from continuing to exercise any right or freedom, which they might reasonably expect to continue to exercise.

5.77 There is a further question regarding the preconditions that was asked on page 24 of the consultation document; that which asked if consultees agreed with the assessment that the proposals were not of constitutional significance as the provisions are limited to the regulation of veterinary profession. The response form, provided in Annex B of the consultation document, did not provide the specific space to answer this question; this error was noticed by the Department for Environment, Food and Rural Affairs only when the consultation had closed. No respondents noticed the error. As the Department is confident of its assessment and respondents would have had opportunity to answer this question in the space provided (Q21) the decision was made that it was not necessary to re-consult on this one small issue.

Financial estimates

5.78 Questions 17-19 of the consultation sought views on the financial estimates, as laid out in the consultation-stage Impact Assessment

Q17. Do you agree that the proposed changes do not have a significant financial impact as set out in the impact assessment?

5.79 Twenty of the 32 respondents answered this question and a range of responses was received.

5.80 Six disagreed, believing that there would be a significant financial impact upon RCVS, which would or could be passed on to veterinary surgeons through an increase in retention fee. One of the six believed that the cost was considered significant because the increase in size of committees was unnecessary. Another said that the term “significant” was in the eye of the beholder. Two of the respondents, although feeling that the costs were significant, felt that they were worth it/ proportionate.

5.81 Six were not sure and four of these expanded upon their answer and the reason they were undecided. One felt that they were not sufficiently acquainted with the financial aspects of the matter while another felt that financial impact is speculation. A further respondent felt that it was important to understand all financial implications and to set a maximum expenditure where possible. It may also be useful to utilise skills within the profession (presumably the idea here being that costs could be lowered). This respondent asked if there would there be an increase in professional subscriptions. The final respondent in this category stated that they believed that the increased costs involved in these proposals can be offset by greater efficiency.

5.82 Eight respondents agreed with the assessment that the financial impact was not significant. One of the respondents provided an estimate, as invited in the Impact Assessment, of the additional costs that these proposals could bring upon those registered with RCVS assuming costs were passed on in their entirety. These would be in the region of: £5.18 in year 1; £0.96 in year 2 and £2.18 in each of the subsequent years. This respondent pointed out that costs that initially look large are in fact not so.

5.83 **Government response:** The consultation stage Impact Assessment did state that the costs of these proposals fall on RCVS and in the future this could mean additional costs being imposed on veterinary surgeons or practices through an increase in the retention fee. It was not left to consultees to need to make this assumption.

5.84 The main factor which influenced how consultees responded was, as one pointed out, what one understood by the term “significant”. We do not consider the cost of £0.45m over 10 years, especially when proportioned across every registered person (as one respondent helpfully provided, a figure of 23,000).

Q18. Do you broadly agree with the cost estimates, assumptions and conclusions of the Impact Assessment?

5.85 Twenty out of the 32 respondents answered this question, with three not agreeing with the cost estimates. One respondent felt that Council members had not been consulted on cost estimates so therefore did not believe that the estimates are valid. A further respondent felt that there was no need to increase the size of committee members so there would not be any need for increase in costs (this was a theme across all their answers) so in fact they were not disagreeing with the estimates. The third negative respondent felt that the actual costs of bringing in the new reform would exceed estimates (ie presumably felt the estimates were too low).

5.86 Seven respondents answered "don't know" to the question with the remaining ten agreeing that the cost estimates seemed broadly correct. The figures have been reviewed for the full Impact Assessment.

5.87 **Government response:** Government recognises that stakeholders will want to know how RCVS arrived at the recruitment figures that were used in the consultation-stage Impact Assessment. RCVS confirmed that the figures they provided for the preparation of this IA were based on average quote provided by the three recruitment agencies that they approached in June 2011. In Government's opinion, the cost estimates provided are accurate as they are consistent with those incurred by the Department when similar external recruitment exercises have been carried out, for public appointments. Therefore the figures have been reiterated in the full Impact Assessment. It should be pointed out that should RCVS chose to re-appoint committee members for second terms, as provided for in the proposal, costs could be lower than those predicted as this would lower recruitment costs.

Q19. Can you provide evidence to help quantify the cost estimates in the accompanying Impact Assessment?

5.88 This question was asked as consultees may have had experience of running recruitment exercises and/ or training and appraisal and would be able to offer their own evidence; especially if they had responded negatively to Q18. Nineteen of the 32 respondents answered this question, with 17 answering that they could not provide evidence. Of the two that said they could, one was the RCVS, who did indeed provide further evidence for the full Impact Assessment. The other respondent did not actually provide further evidence.

5.89 **Government response:** further work with RCVS on clarifying cost estimates has resulted in the accompanying full Impact Assessment.

5.90 Question 21 offered respondents to submit other views in relation to the proposals where a specific question had not been asked

Q21. Do you have any other comments in relation to the proposals?

5.91 Twelve respondents provided comments here; some of which were to simply say that this was a welcome and overdue change, or to summarise the responses they had given to individual questions. One response at great length pointed out many phrases in

the consultation document with which they disagreed. There was a suggestion to appoint more than one chair for DC and to have more than a single person responsible for the appraisal of each committee's members. Some concern was raised that there may still be undue influence of Council upon the selection of new members to committees.

5.92 Many of the responses were, however, beyond the scope of the proposed changes to the constitution of the statutory committees. It was recognised that respondents would want to make these points, which extended to further potential changes they would like to see introduced by RCVS to be seen as a "modern regulator". These included:

- How practice owners who were not veterinary surgeons could be regulated?
- Further guidance and inclusion in the code of conduct regarding anomalies existing for out-of-hours work;
- Changing the term "member" (of the Royal College of Veterinary Surgeons) to "registrant" and there was no element of choice;
- Align further with the main human health regulators;
- Change the term "disgraceful conduct";
- Call for a making of a new modern Act for the veterinary profession;
- Wider reform needed as the system is medieval; although a different respondent pointed out that the current structures and procedures had been given a positive assessment in a recent Privy Council report.

5.93 **Government response:** it was anticipated at the time of the consultation (paragraphs 1.11 and 1.12 of the consultation document) that there would be call for wider reform. However, these changes are not being considered at this time in context of the current proposals and it has not been considered appropriate to include any of those suggestions in the draft Order. However, in paragraphs 6.2-6.9 we explain some of the other changes being implemented by RCVS within the constraints of the current VSA.

5.94 Concerns regarding having more than one chair are addressed in the proposed bye-laws that RCVS will agree and adopt; there will the ability to appoint appropriate chairs to the panels when they convene who are not necessarily the "designated chair" of the relevant committee". Further detail in the bye-laws, which specifies how Council shall have no influence upon the selection of members to the committees should allay that particular issue.

Conclusion

5.95 In light of the consultation responses received, the Minister considers that the proposals should be implemented as set out in the draft Order, which should be laid before Parliament under the affirmative procedure.

Chapter 6: Other changes at RCVS

6.1 As well as the changes to the disciplinary committees that will be brought about as a result of the Legislative Reform Order, RCVS have recently taken a number of other steps to bring its regulatory arrangements into line with current expectations, to the extent that the VSA allows.

Professional conduct and fitness to practise

6.2 As mentioned in paragraph 3.8, DC can impose a disciplinary sanction only if it is satisfied that a veterinary surgeon has been guilty of disgraceful professional conduct, or has been convicted of a criminal offence which makes him or her unfit to practise veterinary surgery. In such cases the only sanctions available under the VSA are temporary or permanent removal from the register.

6.3 By contrast, members of the main human health professions may be liable to sanctions if their fitness to practise is found to be impaired for any of a range of reasons - not only misconduct but also deficient professional performance or adverse physical or mental health. The available sanctions include not only suspension or removal from the register, as under the VSA, but also restrictions to the way in which the practitioner is allowed to work. A person whose fitness to practise has not been found to be impaired may be given a warning as to future conduct or performance.

6.4 Taking these precedents into account, RCVS consulted in July 2009 on proposals to amend the VSA. This consultation included a proposal to update the disciplinary jurisdiction and powers. It was proposed that the DC jurisdiction should be extended to professional conduct, clinical performance, health and criminal convictions relevant to fitness to practise. Proposed sanctions included conditions or restrictions on future practice or warnings to future conduct. It was also proposed that PIC would have power to dispose of a complaint by giving a caution or giving advice. This would deal appropriately with borderline cases without referring them for a full disciplinary hearing.

6.5 A year after the consultation RCVS sought legal advice on the extent to which such measures could be introduced without amendment to the Veterinary Surgeons Act 1966. This advice confirmed that there was considerable scope for introducing change in working methods without new legislation. A new Code of Professional Conduct has now been published, and it includes:

- a health protocol for dealing with cases where there is evidence that a veterinary surgeon's fitness to practise may be impaired by adverse health. In such cases the person concerned may be asked to take or demonstrate reasonable steps to address the problem, to undergo a medical examination, provide medical reports or give undertakings. Failure or refusal to take such action may lead to disciplinary proceedings for serious professional misconduct.

- a performance protocol, which requires practitioners to take part in a regular system of performance review and self-assessment designed to plan development and address any performance issues. A veterinary surgeon may be asked to take or demonstrate reasonable steps to address ongoing concerns about professional performance, to provide progress reports or give undertakings. Again, a practitioner who does not respond appropriately could be subject to disciplinary proceedings.

6.6 Flexibility has been given to DC in its procedure to help it deal with cases where misconduct has been established but suspension or removal from the register does not seem appropriate. The procedure rules offer DC the options of giving a reprimand or warning to future conduct. It may also decide to postpone judgment for up to two years, normally on the basis of formal undertakings, to allow the person concerned to continue to practise while taking remedial action. The proceedings may be resumed at any time if there is cause for concern.

Regulation of practitioners other than veterinary surgeons

6.7 VSA deals only with the regulation of veterinary surgeons. Other providers of veterinary services are mentioned, but only by way of exceptions to the general rule that forbids anyone other than a registered veterinary surgeon to practise veterinary surgery, as mentioned in paragraph 3.3. One of these exceptions concerns veterinary nurses (VNs). Qualified veterinary nurses whose names are entered in a list held by the RCVS, and student veterinary nurses enrolled under RCVS bye-laws, are allowed to give medical treatment and carry out minor surgery under veterinary direction subject to a number of conditions.

6.8 Entry on this list depends upon the completion of approved training and examinations, but there is no power under the Act to require a listed VN to observe conditions in respect of fitness to practise. However, RCVS has now divided the list with a section of it (termed “the register”) for VNs who have agreed that their professional conduct should be supervised and made subject to sanctions similar to those which apply to veterinary surgeons. Newly qualified veterinary nurses are no longer admitted to the list unless they agree to become Registered Veterinary Nurses.

Regulation of practices

6.9 The statutory provisions of the Act apply only to individual veterinary surgeons. However, some of the standards which ought to be observed in veterinary practice concern corporate arrangements rather than the actions of individual veterinary surgeons and veterinary nurses. RCVS accordingly runs a voluntary Practice Standards Scheme under which “accredited practices” sign up to standards relating to such matters as: clinical governance and communication, out-of-hours care, premises, facilities and equipment and other matters. About half of all practices in the UK have chosen to participate in this scheme and they are subject to inspection every four years with 5% of practice premises being inspected randomly every year.

Annex A – consultee list

Animals Deserve Better

British Cattle Veterinary Association

British Equine Veterinary Association

British Horseracing Authority

British Horse Society

British Small Animals Veterinary Association

British Veterinary Association

British Veterinary Nursing Association

British Veterinary Union in Unite

Consumer Focus

Department for Agriculture and Rural Development, Northern Ireland

Edinburgh University, Royal (Dick) School of Veterinary Studies

Equine Reproduction UK

Farmers Union of Wales

Farriers Registration Council

Feline Advisory Bureau

Genus Breeding Ltd

Governing Council of the Cat Fancy

Greyhound Board of Great Britain

Kennel Club

National Farmers Union

National Farmers Union, Scotland

National Farmers Union of Wales

National Sheep Association

People’s Dispensary for Sick Animals

Rights 4 Pets @ Vets

Royal Army Veterinary Corps

Royal College of Veterinary Surgeons

Royal Veterinary College, London

Scottish Government

Thoroughbred Breeders Association

Twemlows Stud

University of Aberdeen, School of Law

University of Bristol, Veterinary School

University of Cambridge, Department of Veterinary Medicine

University of Glasgow, Veterinary School

University of Liverpool, School of Veterinary Science

University of Nottingham, Veterinary School

Veterinary Practitioners (eight individuals registered in RCVS supplementary register)

Welsh Assembly Government

Annex B – respondents to the consultation

Organisations

1. Animals Deserve Better (representing animal/ pet owners)
2. Blue Cross
3. British Veterinary Association
4. British Veterinary Nurses Association
5. Consumer Focus (consumer organisation)
6. Dogs Trust
7. Farriers Registration Council
8. Hertfordshire & Bedfordshire Veterinary Association (President Hazel Bentall)
9. Kennel Club
10. PDSA (People's Dispensary for Sick Animals)
11. Royal College of Veterinary Surgeons
12. South Essex Insurance Brokers Ltd
13. Unite/British Veterinary Union
14. University of Aberdeen School of Law

Veterinary Surgeons

15. Arjan Brouwer & Richard Griffiths
16. Caroline Buck & Stephan van Schalkwyk
17. Chris Barker (Ashlea Veterinary Practice)
18. Clive Curry
19. Colin Vogel
20. Deidre Carson
21. Ian Cheyne
22. John Parker (Ex RCVS President)

23. Jon Bray

24. KC Meldrum

25. Robert Plenderleith

26. Steve Walker (The Oak Veterinary Practice)

27. WB Cartmell

Other individuals

28. Alison Bruce (past lay RCVS Council member)

29. Dr Christopher Chesney & Catherine Goldie (current members of RCVS Disciplinary Committee)

30. David Fattorini (user of veterinary services)

31. Greg Smith (user of veterinary services)

There was a further respondent who requested non disclosure of response

Annex C – changes to the size of the committees

Table 1 – Changes to PIC membership from 6 Council members (plus 3 lay observers) to 9 non-Council members

Year No	Year	Existing Council members	Existing lay observers	Transition replacement members (non-Council)	Transition additional members (non-Council)	'Steady State' replacement of members (following reform and transition years)	Total number of PIC members in that year
Pre-reform	2012-2013	6	3				6
1	2013-2014	4		2	3		9
2	2014-2015	2		2 (plus the 2 from yr 1)	(plus the 3 from yr 1)		9
3	2015-2016			2 (plus the 4 from yrs 1 & 2)	(plus the 3 from yr 1)		9
4	2016-2017					0	9
5	2017-2018					3	9
6	2018-2019					3	9
7	2019-2020					3	9
8	2020-2021					0	9
9	2021-2022					3	9
10	2022-2023					3	9

Table 2 – Changes to DC membership from 12 Council members to 20 non-Council members

Year No	Year	Existing Council Members	Transition – replacement members (non-Council)	Transition – additional members (non-Council)	'Steady State' replacement of members (following reform and transition years)	Total number of DC members in that year
Pre-reform	2012-2013	12				12
1	2013-2014	8	4	4		16
2	2014-2015	4	4 (plus the 4 from yr 1)	2 (plus the 4 from yr 1)		18
3	2015-2016		4 (plus the 8 from yrs 1 and 2)	2 (plus the 6 from yrs 1 and 2)		20
4	2016-2017				5	20
5	2017-2018				5	20
6	2018-2019				5	20
7	2019-2020				5	20
8	2020-2021				5	20
9	2021-2022				5	20
10	2022-2023				5	20

ANNEX D – full Impact Assessment

The full Impact Assessment for this proposal accompanies the draft Order and the Explanatory Document as a separate document.