

# Department for Environment, Food and Rural Affairs

## Consultation on a proposal to use a Legislative Reform Order to make changes to the Veterinary Surgeons Act 1966

16 January – 10 April 2012

Summary of responses

July 2012

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## 1. Background

In January 2012 Defra consulted stakeholders, seeking their views on amendments to the Veterinary Surgeons Act 1966 that would alter the membership and size of the Disciplinary Committee and Preliminary Investigation Committee. The outcome of the consultation assisted in formulating the final proposal that would be put before parliament. The consultation sought responses on:

- The policy proposals
- If an LRO was the appropriate measure to make changes
- If the Parliamentary Scrutiny Committee procedure was correct

## 2. Objectives of the Proposal

- The amendment will promote regulatory principles allow for greater transparency through the separation of responsibilities between those who set the professional standards and those who investigate and adjudicate them as well as allowing for independence and impartiality to be shown in proceedings. This will ensure proper independence and impartiality when dealing with disciplinary cases, and compliance with the Human Rights Act 1998 (primarily Article 6 of Schedule 1– right to a fair trial);
- Reduce burdens on the RCVS Council by allowing them to use their time for other committee matters;
- Increase the size and membership of the Disciplinary Committees as more persons will be recruited and appointed to the committees;
- Increase public and professional confidence in the RCVS with the involvement of more lay people on both committees;
- Increase sustainability as disciplinary caseloads will be better managed as there would be a larger pool of people to call upon, which would facilitate holding more case hearings or holding concurrent case hearings.

## 3. Analysis of the responses:

**3.1 32 responses** were received in total:

- **5** came from Veterinary Professional Organisations
  - Royal College of Veterinary Surgeons
  - British Veterinary Association
  - British Equine Veterinary Association
  - British Veterinary Union (division of Unite)
  - Hertfordshire and Bedfordshire Veterinary Society
- **1** came from 2 veterinary members of the RCVS Disciplinary Committee
- **1** came from a former lay member of RCVS Council
- **13** came from individual veterinary surgeons or representing veterinary practices
- **4** responses representing animal charities
  - Blue Cross
  - Dogs Trust
  - Kennel Club

- PDSA
- 1 came from British Veterinary Nurses Association
- 1 came from the Farriers Registration Council
- 1 came from South East Essex Insurance Brokers
- 1 came from the University of Aberdeen
- 1 came from Consumer Focus, who felt the consultation was out of focus for them
- 2 from animal owners
- 1 response came from the Action Group: Animals Deserve Better (who represent a collection of pet owners)

Out of the above respondents, 29 respondents commented specifically on the proposal and gave their views. One (Consumer Focus) said that this was out of their scope, one response spoke about their dissatisfaction with the disciplinary system, the other came from an animal owner who was in dispute with their veterinary practice

## 4. Brief summary of the views of respondents

- Overwhelming support for the change to the membership of the RCVS Disciplinary Committees from Council members to non-council
- Very strong support to have a mix of both lay and veterinary membership on the Disciplinary Committees
- Strong support for restricting the number of terms that a member of either Preliminary Investigation or Disciplinary Committee could serve
- Strong support for the proposal to increase the size of the committees
- Moderate support for the quorum size of the committees although there were strong indications that the DC should remain at 5 rather than be cut to 3.
- There was general support that the changes will make the disciplinary process seen as open and transparent and reduce burdens.
- The reaction to the financial impact was mixed. Although there were a number of responses that didn't think there would be a significant impact, there were concerns that this would increase the annual registration/retention fee for vets.
- There were other comments in relation to the proposal. Most were happy to see changes being introduced, although some didn't think they would go far enough, but overall they welcomed the change but wanted clarification over transparency.
- There were some individual veterinary respondents who were dissatisfied at the RCVS Disciplinary system and used the consultation as an opportunity to criticise the current format. Generally they wished for more comprehensive reform than the consultation allowed.

4.1 In addition 5 respondents submitted additional comments outside the scope of the consultation. These issues can be summarised as follows:

- whether legislation extended to practice owners who are not veterinary surgeons
- the current system of using University appointees was undemocratic and elitist. Said selection for DC and PIC could be a sort of jury service for the profession.
- details of an individual complaint about a veterinary practice
- detailed comments about potential future reform of the RCVS Council
- potential for statutory regulation of nurses.

## 5. Summary table

Questions	Comments
<p><b>Q.1 Do you support the proposal to change the membership of the RCVS' disciplinary committees from Council members to non-Council?</b></p>	<p>Respondents overwhelmingly supported this proposal, although some would like to see this go further, most notably the Action Group 'Animals Deserve Better' who sees this as a stepping stone to a reform of the Veterinary Surgeons Act.</p>
<p><b>Q2. Do you support the proposal to ensure that the disciplinary committees have a mix of both lay and veterinary membership?</b></p>	<p>Respondents overwhelmingly supported this proposal.</p>
<p><b>Q3. Do you support the proposal to restrict the terms of office and set conditions for office for members of the committees?</b></p>	<p>Respondents widely supported this proposal although some felt that experienced members could provide added value.</p>
<p><b>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?</b></p>	<p>This proposal was overwhelmingly supported by respondents.</p>
<p><b>Q5. Do you support the proposal to remove the current provision specific to veterinary practitioners registered in the supplementary register?</b></p>	<p>Overwhelmingly supported, the provision for practitioners is considered out of date.</p>
<p><b>Q6. Do you support the proposal to increase the size of the committees?</b></p>	<p>Overwhelmingly supported, this was a significantly popular measure to ease congestion of cases for the committees.</p>
<p><b>Q7. Do you support the proposal regarding the quorum size of the committees?</b></p>	<p>There was moderate and mixed support for this measure. Although there was wide support for PIC to remain at a quorum of 3, many respondents felt a quorum of 5 was necessary for the DC.</p>
<p><b>Q8. Do you support the proposal to</b></p>	<p>There was widespread support for this</p>

<b>provide flexibility for the future as regards the size of the committees?</b>	measure.
<b>Q9. Do you have any views regarding the expected benefits of the proposal as identified in Chapter 4 of this consultation period?</b>	Generally a well supported measure from the 19 respondents who answered.
<b>Q10. Do you think that the proposal will secure that regulatory functions will be exercised so that they are transparent, accountable, proportionate, and consistent and targeted only at cases in which action is needed?</b>	This was supported well with only a couple of exceptions of those who responded to the question.
<b>Q11. Do you think the proposal will remove or reduce burdens?</b>	This measure was largely well supported although views of serving DC members were that these changes wouldn't reduce burdens but would provide the extra resource and cost to enable RCVS to run the Committees.
<b>Q12. Do you think that there are any non-legislative means that would satisfactorily remedy the difficulties which the proposals are intended to address?</b>	Overwhelmingly agreed that there were no, non-legislative means available, although one member thought better training for PIC members might be a solution.
<b>Q13. Are the proposals put forward in this consultation document proportionate to the policy objective?</b>	There was widespread agreement that the proposals are proportionate.
<b>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?</b>	Very widely supported by those respondents who answered the question.
<b>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?</b>	Most did not identify any protections, although one respondent said that "power had been in the hands of too few people for too long".

<p><b>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?</b></p>	<p>No respondent thought that the changes would deny anyone such a right.</p>
<p><b>Q17. Do you agree that the proposed changes do not have a significant financial impact as set out in the impact assessment?</b></p>	<p>Reaction was mixed. Of those who answered, 8 respondents thought that there wouldn't be a significant increase. 6 respondents did think there would be a significant increase and 6 didn't know. The concern was that the extra cost burden on RCVS on having to recruit and then compensate Committee members would result in the annual registration/retention fee rising considerably.</p>
<p><b>Q18. Do you broadly agree with the cost estimates, assumptions and conclusions of the Impact Assessment?</b></p>	<p>Reaction was mixed with 10 respondents in support, 7 not sure and 3 who disagreed with the assessments.</p>
<p><b>Q19 Can you provide evidence to help quantify the cost estimates in the accompanying Impact Assessment?</b></p>	<p>Only two respondents said that they could, one being RCVS and the other being RCVS Disciplinary Committee members with experience of the practicalities of the running of procedures.</p>
<p><b>Q20. Do you agree that the proposed Parliamentary procedure should apply to the scrutiny of these proposals?</b></p>	<p>Measure had vast overall support.</p>
<p><b>Q21. Do you have any other comments in relation to the proposals?</b></p>	<p>12 respondents answered, responses mainly focused on the cost and transparency and independence of the new Committees.</p>

The response rate for Defra for this consultation was higher than expected. We had informed stakeholders of the plans to consult well in advance and remained in correspondence with them for some time. The RCVS, as part of the project board, also helped advertise the consultation, as did the British Veterinary Association, and as a consequence we have had a good response rate. The views expressed have helped develop our final proposals which will be neither controversial nor very different from the original options in the consultation document.

## 6. The way forward

Following consultation, the full Impact Assessment, was signed off and sent to the Regulatory Policy Committee for an opinion. This has been cleared and we are now looking to finalise the explanatory document and statutory instrument before gaining the clearances that would enable the LRO to be laid in autumn 2012.

If you have any queries about the Consultation or Order please contact: Aroon Korgaonkar on 0207 238 5592 or email:

[vsa.consultation@defra.gsi.gov.uk](mailto:vsa.consultation@defra.gsi.gov.uk)

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

[vsa.consultation@defra.gsi.gov.uk](mailto:vsa.consultation@defra.gsi.gov.uk)

