

21 October 2009

**Response to RCVS Review of the Veterinary Surgeons Act**

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1. The BVA welcomes the opportunity to comment on RCVS review of the Veterinary Surgeons Act and has consulted with the specialist and territorial BVA divisions from across the UK to formulate this response.
2. The BVA welcomes the fact that the Royal College has dropped the more controversial aspects of its 2005 proposals and is now seeking comment on a simpler and more limited set of proposals for amending the Veterinary Surgeons Act. The Association recognises that the disciplinary powers currently available to the College lack flexibility, and therefore generally supports the proposals. Whilst accepting the desirability of greater flexibility, however, the Association has seen no evidence that there is any significant public demand for change, and considers that current arrangements, whilst capable of improvement, still suffice to protect the public and the health and welfare of animals.

Our detailed comments are as follows:-

**Disciplinary machinery**

3. The BVA agrees that the current Veterinary Surgeons Act (VSA) should be amended to give the RCVS Council discretion to make rules determining the composition of the Preliminary Investigation (PIC) and Disciplinary Committees (DC). In addition the BVA agrees that Council members should not be eligible to be members of DC, and would also like the RCVS to consider whether the same principle should apply to the PIC. The rules should be subject to approval by the Government.
4. The BVA believes that the rules governing DC and PIC should be set out at this stage and that there should be adequate veterinary representation on both committees, particularly if issues of professional competence are under consideration.

**Disciplinary jurisdiction and powers**

5. The BVA believes that the DC should have jurisdiction over professional conduct, health and criminal convictions relevant to fitness to practice. The BVA acknowledges that there is a need to address public concerns and agrees that the DC should have powers over cases of gross professional incompetence, where there has been a significant risk to animal health and welfare; however, the BVA feels that the definition of 'fitness to practice' needs to be clearly defined as well as the practicalities for implementation before members can make a decision on this issue.
6. The BVA agrees that the PIC should have power to dispose of a complaint by giving a caution, with the respondent's agreement; or giving advice. Also that the DC should have power to give a warning as to future conduct; or impose conditions or restrictions on future practice by the respondent. In addition, the disposal of a complaint by the PIC should remain confidential.

**Composition of the RCVS Council**

7. The BVA agrees that the RCVS Council should have no more than 30 members provided that this number is sufficient to maintain all relevant committees and officer roles. **The BVA believes that if Council and DC have separate membership then lay membership on Council should be no more than one third.**

8. The BVA suggests that the composition of the Council of 30 should be:
  - 10 lay members including at least one veterinary nurse
  - At least 15 elected veterinary surgeons
  - Up to 5 appointed veterinary surgeons including the CVO and a UK veterinary school representative.
9. Council members, other than elected members and the member to be nominated jointly by the universities, should be appointed by the Government of the day using a method that is transparent and publicly accountable. Consideration should be also given to having a fixed number of veterinary council members who are not practice owners or partners.

#### **Issues not included within the consultation**

10. The BVA would like to raise to the attention of the RCVS a number of issues that were not considered within the current consultation. The BVA understands that there is no immediate prospect of legislation on these issues, but the BVA Council would nevertheless like to reiterate its support for:
  - mandatory CPD
  - the formation of a Guide to Practice Standards, similar to the Guide to Professional Conduct
  - statutory regulation of veterinary nurses
  - appropriate regulation of non veterinarians offering treatment to animals