

Regulatory reform – embracing the vet-led team meeting

Friday 13 November 2020, 10am

Zoom meeting

Attendees

Fieke Molenaar – Chair

Richard Casey – Veterinary Management Group

Jane Clark – Policy Committee and Association of Government Vets

Charlotte Commins – British Veterinary Poultry Association

Daniella Dos Santos – BVA Senior Vice President

Amelia Findon – BVA Head of Policy & Governance

David Green (part) – Veterinary Defence Society

Robin Hargreaves – chair of BVA working group on the vet-led team

Andrew Harrison (part) – British Equine Veterinary Association

Lisa Jarvis – Ethics and Welfare Advisory Panel

Sara Pedersen – British Cattle Veterinary Association

Gudrun Ravetz - BVA representative on RCVS Legislation Working Party

Kathleen Robertson – Society of Practising Veterinary Surgeons

Alexandra Taylor - British Veterinary Nursing Association – Alexandra Taylor

Welcome and ways of working

1. The chair welcomed attendees to the meeting and introductions were made.
2. It was noted that the chairs of all five BVA working groups contributing to the development of the BVA position on the recommendations from the RCVS Legislation Working Party had met 15 October to discuss ways of working. It had been agreed that transparency and open lines of communication with the wider membership would be important throughout the process, particularly given some of the concerns circulating around some of the recommendations. It had been proposed that details of working group activity, including membership, minutes, and emerging themes would be published on the BVA website, and promoted via BVA's weekly roundup and social media channels. There would also be a dedicated email address for members to get in touch with views. The proposed approach was supported and would be progressed in house.

Scope and objectives

3. The RCVS Legislation Working Party (LWP) had been established in 2017, tasked with examining the Veterinary Surgeons Act 1966 (VSA) and making proposals for reform with a view to enabling RCVS as a modern and efficient regulator. LWP had been asked to establish principles on which any reform would be based, and to ensure that any recommendations were considered in the round to produce a coherent vision.
4. Over the course of three years and twelve meetings the group had explored over 56 reform proposals, from fundamental questions to relatively minor changes, with BVA represented by Gudrun Ravetz.
5. It was noted that the working group had been tasked with developing the BVA position on the recommendations from LWP under Part 1 of the LWP report: Embracing the vet-led team. The proposals were for RCVS to have powers 'in principle' with the details to be agreed by RCVS Council following further consultation, as appropriate. It was noted that the group should ensure

their deliberations took into account the range of veterinary workplaces and types of vet-led team, beyond just clinical practice.

Review of minor procedures

6. The Veterinary Surgeons Act 1966 (VSA) restricted the practice of veterinary surgery to veterinary surgeons whose name was held on a Register by the RCVS. Some exceptions to the restriction were created via the VSA's Exemption Orders (EOs). The VSA's Schedule 3 also allowed veterinary nurses to administer any medical treatment or any minor surgery (not involving entry into a body cavity)" under veterinary direction.
7. In January 2016 Defra had invited RCVS to review the current framework of EOs, make recommendations as to how they could be improved, and develop a framework that would promote consistency in EOs going forward. At the time it had been recognised that the review of EOs had a possible connection with the work RCVS was carrying out in relation to defining associate status and as a result, the Exemption Orders and Associates Working Party had been formed. The Working Party had completed its review in 2017, setting out a number of recommendations in the Review of Minor Procedures Report (RMPPR) including the repeal of some EOs, some overarching conditions for remaining EOs (including standardising training and revalidation requirements and minimum age), and some new EOs.
8. The working party had concluded that there were some acts of veterinary surgery covered by EO's which were not sufficiently minor (in terms of risk or level of training required, or because they were a body of practices rather than individual acts). Following legal advice, RCVS Council had suggested that a legal framework should be created for these activities by adding the relevant professions to Schedule 3 of the VSA. The professions concerned were: Equine Dental Technicians, Cattle Foot Trimmers, and Physiotherapists. RCVS took the view that any allied professional group operating under Schedule 3 of the VSA ought to be Associates of the RCVS in order that RCVS could assure their standards of education and conduct.
9. In discussion the following points were made:

Principle of regulation

- It was important to support moves to raise the bar on animal health and welfare standards through the regulation of allied professions.
- The activities of any group brought under the regulatory umbrella of the College must be science-led and must not undermine the reputation of the veterinary profession (NOTE: professional conduct and the 'soft' skills and behaviours expected of the individuals working within the allied profession could be set out in a 'Code' or equivalent once the profession was regulated)
- The two pillars that lead to accreditation or regulation should be demonstrable competence plus continued education/revalidation.
- The cost of regulation was an important consideration. The regulation of allied professions should not incur a cost to the veterinary profession.
- The primary driver for regulation of allied professions should be the protection of animal health and welfare, but there was also a benefit to the veterinary profession when referring.
- In order to raise the bar and differentiate between regulated and unregulated individuals it was essential to communicate the benefits to the wider public so that client demand drove standards. This include both animal owners and buyers of animal products (eg supermarkets)
- Milk buyers already understood that cattle lameness was a serious welfare issue and would be receptive. However, with multiple bodies, conflicting approaches, and no statutory footing the messaging was problematic. It was suggested it could be useful to hear from Farm Assurance Schemes on their expectations and understanding of the role

of allied professions.

- The appetite amongst some allied professions to be regulated by the College was unclear. Some allied professional groups could not be described as cohesive and there might be a number of bodies laying claim to representing or accrediting those carrying out the work.
- The appropriateness of grandfathering was questionable. Although individuals had a right to a livelihood it was not appropriate to allow unqualified individuals continue to work indefinitely. A transition period where individuals were supported to achieve the necessary standard was supported. It was also recognised that anyone granted grandfather rights would be working under a new structure which would require certain standards, and it was possible to grant time-limited grandfather rights. There were parallels with Official Veterinarians and the drop-off seen across the panels when grandfather rights came to an end.
- It could be useful to look at the laboratory animal sector as an example of a very well-regulated area of work.

Action: Secretariat to follow up with Farm Assurance Schemes in relation to requirements for allied professions.

Models of regulation (associate versus accreditation)

- The BVA vet-led team working group had, at the time, considered that the accreditation model represented the lower risk of the two options being discussed by the College in relation to cost and the potential for reputational damage by association.
- Under the accreditation model there would always be individuals who chose not to join but could still work. This could also act as a disincentive for those favouring greater regulation as they would incur the costs of additional professional recognition whilst competing for clients with unregulated individuals also working in their sector.
- The activities of Official Auxiliaries were already well regulated through tertiary legislation and the delegation of activities highly constrained. Notwithstanding this, there was still an appetite for additional professional recognition which meant the Association of Meat Inspectors was in discussion with the College regarding possible accreditation. There were other highly regulated groups that might reasonably fall into a similar category (eg TB testers).
- It would be useful to seek input from ABTC and the Association of Meat Inspectors on their experience of progressing regulation under the accreditation model.
- There needed to be a minimum standard for accreditation with regular revalidation or CPD.
- Where delegation and subsequent certification by a veterinarian was concerned, this should include training, Standard Operating Procedures (SOPs) and auditing.
- It was agreed that there was probably a place for both the associate and accreditation models depending on the allied profession.
- Next steps for the College should be checked. It had previously been suggested that both the associate and accreditation models would be taken forward by another working party.

Action: Secretariat to follow up with ABTC/AMI in relation to progress with accreditation

Action: Secretariat to follow up with RCVS in relation to next steps for developing both models

Regulation under Schedule 3 – new Associate groups

- The rationale for bringing some groups in as Associates under Schedule 3 was recognised.
- The shift in thinking at the College had occurred when the EOs and Associates Working Party had recognised that some activities carried out by paraprofessionals were Acts of Veterinary Surgery but were not sufficiently minor to qualify for an EO and that the only option was to bring the group into Schedule 3.
- There would inevitably be an upfront cost to putting regulatory structures in place for new Associate groups.
- It was unclear whether the set of criteria to be applied when assessing applications for associate status with the RCVS, as identified in the RMPR, had been refined further.
- There would likely be a need for a new Schedule 3 under a new VSA in order to progress the regulation of new Associate groups
- There was currently no requirement for cattle foot trimmers to be trained or be a member of a particular body. The Cattle Hoof Care Standards Board had positioned itself as a regulator for foot trimmers and aimed to define a robust set of standards for professional cattle foot trimming. Annual subscription fees covered costs. However, without a statutory footing the benefits to animal health and welfare were limited. The National Association of Cattle Foot Trimmers had positioned itself as the representative body for foot trimmers and aimed to increase the credibility and professionalism of foot trimming within the industry. The methods of trimming promoted by the different bodies were sometimes in conflict and there could be animal health and welfare benefit to bringing cattle foot trimmers under the RCVS regulatory umbrella.
- There was a public expectation that physiotherapists were qualified. In human healthcare, to practice as a physiotherapist, you must be registered with the Health and Care Professions Council.
- The Register of Animal Musculoskeletal Practitioners (RAMP) required members to complete Level 6 training (equivalent to a full-time three-year BSc degree) and complete annual revalidation via CPD. Although registration provided confidence to clients that members were competent, there was no requirement to be registered in order to work.
- Lay people should not be carrying out equine dental work.

Protection of titles

- Statutory protection of titles should ideally come with regulation.
- To prevent misuse of titles recognisable titles should be created and protected. There were parallels with Suitably Qualified Persons (SQPs) which was a legal category of professionally qualified person under the Veterinary Medicines Regulations
- The lack of protection for the title of veterinary nurse remained an issue with lay people in veterinary practice still describing themselves as nurses. There was a lack of understanding amongst animal owners that only veterinary nurses registered with the College could call themselves Registered Veterinary Nurses.
- Protection of the veterinary nurse title was long overdue. It was unclear why the petition had not been supported by Government, although signatures had only totalled 33,000 which had likely impacted on the decision not to devote parliamentary time. It was suggested that the campaign should be revisited and would likely be more successful.

10. It was agreed that:

- Both the associate and accreditation models appeared to be appropriate, depending on the group.
- Bringing some groups under Schedule 3 as Associates of the College, where their activities were not sufficiently minor to qualify for an EO, was appropriate.

- Statutory protection of titles should underpin the regulation of Associate groups.
- The hub and spoke model in the BVA position remained current and appropriate and should be reiterated in the response to the College.

Next steps

11. At the next meeting the working group would be invited to consider LWP recommendation 1.3: separating employment and delegation. This would be informed by the discussions of the working group considering LWP recommendations relating to enhancing the VN role and could also consider the role of vets in certifying others as competent to carry out particular tasks. It was agreed that further consideration of any issues relating to responsibility and accountability would be useful.

Action: Members to notify the secretariat of any evidence or additional information to help inform the discussion, that could usefully be collated ahead of the next meeting.

Action: Secretariat to share minutes from other working groups for completeness.

12. In the meantime, the BVA secretariat would:
 - Circulate the minutes of the meeting
 - Circulate an emerging themes document summarising the advice to date from the working group, including any areas of difficulty for further consideration
 - Share the advice to date with Policy Committee and Ethics and Welfare Advisory Panel for input
13. It was noted that BVA Council would be invited to review the activity of all five working groups at the meeting on 9 December. A webinar, in partnership with The Webinar Vet, would take place 1 December, providing an opportunity for the wider membership to engage with the discussions. It was noted that the date and time appeared to clash with a planned BCVA webinar relating to LWP and it was agreed this would be followed up.

Any other business

14. The background to discussions relating to the proposed repeal of the EO for epidurals in cattle was unclear and there were some concerns this could impact on embryo transfers and genetic progress in the cattle industry. It was agreed this would be checked.
15. Working group members were thanked for their participation and considered input.

Date of the next meeting

16. The next meeting would be held **Friday 11 December 1-4pm (by Zoom)**