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Northern Ireland  
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Welsh Government

# Reform of the Veterinary Surgeons Act 1966

Supporting and modernising the veterinary sector  
through a robust regulatory framework.

January 2026

We are responsible for improving and protecting the environment. We aim to grow a green economy and sustain thriving rural communities. We also support our world-leading food, farming and fishing industries.

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# Ministerial foreword



**Baroness Hayman of  
Ullock,  
Minister for Animal  
Welfare and Biosecurity**

We are a country that cares deeply for animals, whether they are our pets and companions, our farmed animals, or our wildlife. The continual improvement of animal welfare is not only a moral obligation, but a reflection of who we are as a society. It is a cause which is important to me personally and one this government is proud to champion.

Veterinary professionals all over the country play an essential role in protecting animal health and welfare, maintaining our food security, supporting international trade, and safeguarding public health, whether working in clinical practices, in laboratories, at abattoirs or in government.

I have huge admiration for the dedication of the veterinary team in upholding the highest standards and am committed to ensuring they are supported to continue this vital work. That is why I believe reforming and modernising the Veterinary

Surgeons Act 1966 is important. The case for change has been made clearly by voices across the sector and has been further reinforced by the interim findings of the Competition and Markets Authority's investigation. This consultation marks an important step in delivering on those calls for change and creating a veterinary framework that is fit for the future.

Updating the Veterinary Surgeons Act, when Parliamentary time allows, would help deliver on this government's mission to rebuild Britain. It would underpin the raising of animal welfare, support a thriving economy and break down barriers to opportunity. It would also improve transparency and public trust in the profession, ensure proportionate regulation and, by ensuring veterinary businesses work to high standards and treat animal owners fairly, provide better outcomes for animals, consumers and professionals.

Officials at Defra have worked closely with key stakeholders including the British Veterinary Association (BVA), the British Veterinary Nurse Association (BVNA), the Royal College of Veterinary Surgeons (RCVS), the Veterinary Schools Council, and other government departments to design these proposals. I would like to sincerely thank everyone who took the time to contribute their views and expertise during this process.

Whether you are a veterinary professional, worker in the sector, or a member of the public who cares about the vital services provided for our animals, your views matter. This consultation is your opportunity to help shape a modern, fair and effective veterinary framework that reflects the needs of today and the ambitions of tomorrow.

The consultation will be open for 8 weeks, and I encourage everyone with an interest to take part and make their voice heard.

A handwritten signature in cursive script, reading "Suetayman".

**Baroness Hayman of Ullock, Minister for Animal Welfare and Biosecurity**

## CVOs foreword

As the UK, Northern Ireland, Scotland, and Wales Chief Veterinary Officers, leaders of Government Veterinary Services and proud members of the veterinary profession, we are passionate about supporting a thriving veterinary sector that delivers for the profession and the animals we care for.

The veterinary landscape has evolved significantly over the years since the current VSA came into force. We are deeply aware of the challenges facing the sector today. There are well-publicised retention issues across both the public and private veterinary sector. This is compounded by outdated legislation, increasing pressure on an already stretched workforce. Reforming the Veterinary Surgeons Act is a crucial step towards building a stronger, more resilient profession.

A thriving veterinary sector depends on recognising the full contribution of the veterinary team including veterinary surgeons, veterinary nurses, and allied professionals. Reforming the legislation would help ensure these roles are properly regulated, valued, and empowered to deliver high-quality care. This would not only relieve the pressure on veterinary surgeons but could lead to greater career advancement opportunities for the wider veterinary team and provide clarity to the public. Where previously only the veterinary surgeon was regulated, legislative reform also provides the opportunity to regulate veterinary practices as businesses, bringing the sector in line with other modern professions and further protecting animal welfare.

The veterinary landscape is ever changing. The advances in modern medicines, increased expertise of professionals, and advances in animal health technology need to be balanced against emerging risks such as climate change and anti-microbial resistance. These challenges highlight that the time is right to review the legislation that underpins our profession, and make sure it is fit for the 21<sup>st</sup> century. This consultation marks the start of reforms where veterinary services can flourish, and the veterinary team can continue to deliver the highest standard of care for our nation within a supportive regulatory framework.

**Professor Christine Middlemiss CB (UK Chief Veterinary Officer)**  
**Brian Doohar (Chief Veterinary Officer for Northern Ireland)**  
**Sheila Voas (Chief Veterinary Officer for Scotland)**  
**Richard Irvine (Chief Veterinary Officer for Wales)**

# Executive summary

This consultation sets out a proposal to reform and modernise the existing Veterinary Surgeons Act (VSA) 1966. The consultation focusses on four main areas of change which government could explore through primary legislation, as Parliamentary time allows.

These areas are:

- Modernising registration by moving to a licence to practise system for the whole veterinary team,
- Updating the fitness to practise processes to protect the public and animal health and welfare in line with other healthcare professions,
- Regulation of veterinary/animal healthcare businesses to safeguard both animals and the public/consumers,
- Reform the regulator to meet the government's vision for the regulatory system and specific objectives for the veterinary professions and sector.

Veterinary professionals play a vital role in safeguarding our high animal health and welfare standards, supporting animal disease control, maintaining food security and public health, as well as supporting trade agreements.

The UK veterinary profession is one of the oldest in the world, with the first English-speaking veterinary school, the Royal Veterinary College, London, opening in 1791 to treat ill working horses. Later, in 1844, the Royal College of Veterinary Surgeons (RCVS) was created, becoming the statutory regulator under the first Veterinary Surgeons Act 1881. This was later replaced by the Veterinary Surgeons Act 1966 which is still the key legislation governing the sector today.

The veterinary profession landscape has changed significantly since the 1960s:

- In the 1960s, the work of veterinary surgeons was more focused on large animals, with pets more commonly used for functional roles (such as herding and pest control). In the 2020s, [most veterinary practices now focus solely on small animals with over half of UK adults owning a pet.](#)
- Veterinary nursing in the UK has undergone a remarkable transformation in this time, evolving from an informal support role into a regulated, professional discipline.
- The number and use of Allied Veterinary Professionals (AVPs) has vastly increased. This provides pet owners with further options for additional care.
- In the 1960s veterinary practices had to be owned by a veterinary surgeon but this law changed in 1999. Today, [approximately 60% of veterinary practices are owned by large corporate veterinary groups](#) without the requirement for veterinary surgeon ownership.
- The use of new technology for diagnosis and treatment, along with advances in scientific knowledge, has led to a shift in the options available to animal owners.

Due to the many changes occurring in the veterinary sector and the wider society, it is imperative that legislation keeps pace to continue to protect the public and consumers, maintain high standards of animal health and welfare, and uphold public trust in the reputation of the professions. Throughout the years there have been several Statutory Instruments (SIs) put in place to amend the legislation; however, there is a limit to what can be changed through secondary legislation. Potential wholesale reforms of the VSA could ensure the law, and related frameworks, are fit for purpose and flexible for a modern society and veterinary profession.

For many years there have been calls from the RCVS, the profession (including the British Veterinary Association (BVA) and British Veterinary Nursing Association (BVNA)), and the public to update the VSA. This call for legislative reform has been echoed by the on-going Market Investigation conducted by the [Competition and Markets Authority \(CMA\) into the provision of veterinary services for household pets](#).

The key aims of this reform include:

- **Uphold animal health and welfare:** Currently only veterinary surgeons are subject to full regulation, with some regulation in place for registered veterinary nurses. Regulation of businesses is required to ensure that standards of animal health and welfare, as well as consumer protections, are upheld.
- **Break down barriers to opportunity:** There is currently no legal protection for the title of veterinary nurse or the array of titles used by allied veterinary professionals. These reforms would aim to bring all members of the veterinary team under the same regulatory umbrella. This would strengthen the profession and provide clarity to the public. Proposed future legislation could also remove barriers to the profession that currently exist for people with disabilities.
- **Strengthen the workforce:** Reforming the VSA aims to address some of the challenges of recruitment and retention through measures such as providing increased support to new/returning veterinary surgeons and reducing the workload pressures through the ability for greater delegation. The proposals would also enable the legislation to be future proof to technological and societal changes.
- **Support professionals:** Updates to the disciplinary process operated by the regulator would enable a more modern flexible fitness to practise system to be deployed. This will include shifting from a punitive model to a 'fitness to practise' approach based on current impairment in line with other professional regulators. This will strengthen the regulator's ability to ensure that professionals have the skills, knowledge, character, and health to practise safely and effectively. Where there are concerns about the health or performance of a licensed professional, the regulator would have enhanced powers to support them in returning to safe practice, or to remove them from practice if necessary.

- **Consumer protection and competition:** Reforming regulation so that it more effectively supports consumers and promotes competition would help pet owners make informed choices about the services they buy, and incentivise vet businesses to offer prices and a range of services that would better meet their needs and requirements. Supporting competition and consumers in the market also has important implications for animal health and welfare. Where competition leads to lower prices, higher quality and better choices for consumers, this helps ensure that animals are better cared for. If consumers cannot pay for, or do not receive a choice of, good quality services, animals would go untreated or would receive treatment that is less than optimal.

This consultation seeks views on the following specific aspects of veterinary regulation that would contribute to achieving the aims of reform set out above:

- a licence to practise model, including the veterinary team
- ensuring professionals are fit to practise
- regulation of veterinary and animal healthcare businesses
- governance.

It aligns with the government's [Regulation Action Plan](#), which sets the broad vision for an effective regulatory system.

The reforms set out in this consultation would be UK-wide. Regulation of the veterinary profession is a reserved matter in Scotland and Wales, and is devolved in Northern Ireland. This consultation has been published by Defra on behalf of the Scottish Government, the Welsh Government, and the Northern Ireland Executive.

# Have your say

## Purpose

This consultation seeks your views on reforming the Veterinary Surgeons Act 1966. The proposed changes are needed to ensure that the regulation of veterinary professions and the sector in which they operate is fit for purpose. Your responses will support the finalisation of a policy position.

The consultation website can be found at <https://consult.defra.gov.uk/reform-of-the-veterinary-surgeons-act/consultation>. Here, you can find out more about this consultation and the proposed reform to the legislation to ensure the protection of the health and welfare of animals and the wider public. Please read all of the documents contained within this consultation hub before answering the consultation questions. Any queries or concerns can be directed to [VSA-Reform@defra.gov.uk](mailto:VSA-Reform@defra.gov.uk).

## Geographic scope of this consultation

This consultation covers the whole of the UK. It is being conducted by the Department for Environment, Food and Rural Affairs (Defra) with the agreement from Scottish Government, Welsh Government and the Northern Ireland Executive.

## How to respond

The easiest way to respond is through the Citizen Space platform:  
<https://consult.defra.gov.uk/reform-of-the-veterinary-surgeons-act/consultation>.

If you are unable to use Citizen Space, you can download the consultation documents and return your response via email to [VSA-Reform@defra.gov.uk](mailto:VSA-Reform@defra.gov.uk).

A paper copy can be returned to us by sending it to:

### **Freepost VSA Reform**

This consultation is also available in Welsh in line with Welsh Language Standards.

The consultation will run for 8 weeks. The consultation opens on 28/01/2026 and closes at 23:59 on 25/03/2026. Any responses received after this date will not be analysed.

## Confidentiality and data protection

A summary of responses to this consultation will be published on the Government website at: [www.gov.uk/defra](http://www.gov.uk/defra). An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

Defra, the Scottish Government, the Welsh Government and the Northern Ireland Executive, may publish the content of your response to this consultation to make it

available to the public without your personal name and private contact details (for example home address, email address).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data, with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

Please find our latest privacy notice uploaded as a related document alongside our consultation documents.

If you have any comments or complaints about the consultation process, please address them to: [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk)

### **Using and sharing your information**

How we use your personal data is set out in the consultation and call for evidence exercise privacy notice which can be found here: <https://www.gov.uk/government/publications/defras-consultations-and-call-for-evidence-exercises-privacy-notice>

### **Other Information**

This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/703564/Consultation\\_principles\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/703564/Consultation_principles_.pdf)

**Q1. Would you like your response to be confidential?**

Please select one option only

- Yes
- No

If you answered yes to this question, please give your reason(s).

**Q2. Please provide your name and email address. We may use these details to update you about the proposed reform of the Veterinary Surgeons Act.**

Providing your name and contact details are not mandatory and you may choose to leave these blank if you prefer.

Name

Email  
address

**Q3. If you are responding as an individual, please specify the country or nation you reside in. If you are responding on behalf of a business or organisation, please indicate where your business or organisation is primarily based or operates the most.**

Please select one option only

- England
- Scotland
- Wales
- Northern Ireland
- Outside of the UK (Please write in)
- Prefer not to say

Please write in the box below

**Q4. Are you responding on behalf of a business or organisation?**

Please select one option only

- Yes – on behalf of a business or organisation
- No – not on behalf of a business or organisation

Please note: if you are providing a response on behalf of a business or organisation, the name and details of the business or organisation may be subject to publication or appear in the final report, unless you have requested confidentiality.

**Please answer Q4 if you are responding on behalf of a business or organisation. Otherwise, please go to Q5.**

**Q5. Which category of business or organisation are you representing?**

Please select one option only

- Charity
- Consumer group
- Educational/academic institute
- Representative body
- Veterinary practice/business
- Veterinary public health organisation
- Other business or organisation– please state

Please write in the box below

**Q6. Are you a veterinary professional or do you professionally work with animals?**

Please select all that apply

- Yes – I am a veterinary professional (hold a professional qualification relating to animal health and/or welfare for example, veterinary surgeon, registered veterinary nurse, etc.)
- Yes – I professionally work with animals (but do not hold a specific professional qualification for example, groomer, farm-hand, dog walker etc.)
- No, I do not professionally work with animals

**Please answer Q7 if you are a veterinary professional or professionally work with animals. Others, please go to the next section on License to Practise.**

**Q7. If you are a veterinary professional or work in an animal-related profession, please specify your role.**

Please select all that apply

- Allied veterinary professional: behaviourist
- Allied veterinary professional: cattle hoof trimmer
- Allied veterinary professional: equine dental technician
- Allied veterinary professional: farrier or barefoot trimmer
- Allied veterinary professional: musculoskeletal professional
- Allied veterinary professional: veterinary technician
- Allied veterinary professional: other
- Farmer
- Student: veterinary surgeon
- Student: veterinary nurse
- Student: allied veterinary professional
- Veterinary surgeon
- Veterinary nurse
- Other (Please write in)
- Prefer not to say

Please write in the box below

**Q8. Which of the following best describes your gender?**

Please select one option only

- Man
- Woman
- Non-binary
- My gender is not listed
- Prefer not to say

**Q9. What is your age group?**

Please select one option only

- 18 to 24
- 25 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65 to 74
- Over 75
- Prefer not to say

**Q10. Which of the following best describes you?**

Please select one option only

**Asian/Asian British:**

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Other Asian background (Please specify) \_\_\_\_\_

**Black/African/Caribbean/Black British:**

- African
- Caribbean
- Any other Black/African/Caribbean background (Please specify) \_\_\_\_\_

**Mixed / multiple ethnic groups:**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed/multiple ethnic background (Please specify) \_\_\_\_\_

**White:**

- English/Welsh/Scottish/Northern Irish/British
- Irish
- Gypsy or Irish Traveller
- Any other White background (Please specify) \_\_\_\_\_

**Other ethnic group:**

- Arab
- Other ethnic background (Please specify) \_\_\_\_\_

Prefer not to say

**Q11. Which of the following best describes your sexual orientation?**

Please select one option only

- Straight/heterosexual
- Gay or lesbian
- Bisexual
- Other sexual orientation
- Prefer not to say

**Q12. Do you consider yourself or anyone in your household to be officially disabled? Defined by the Equality Act 2010 as 'A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out day-to-day activities'**

Please select one option only

- Yes
- No
- Prefer not to say

# 1 Licence to practise

## 1.1 Introduction

Licence to practise schemes are regulatory frameworks used in the UK to ensure that professionals in certain fields are legally authorised and competent to carry out specific activities. It is important for protecting the public, providing a mechanism for ongoing oversight by a regulator, and helps employers and consumers to verify if professionals are legally authorised to work in their field.

A licence to practise system should work alongside other mechanisms to protect the public, animals and consumers. These include protection of titles to ensure only licensed professionals can use them, as well as clear guidelines on the activities that can only be conducted by someone with a licence to practise.

## 1.2 Current process

Currently only veterinary surgeons are permitted to carry out acts of 'veterinary surgery', unless there is a specific exemption put in place. This places a lot of pressure on veterinary surgeons rather than using the full breadth of skill and expertise available from within the broader veterinary team; many members of whom have specialist expertise in specific areas. [Schedule 3 of the VSA](#) determines what activities can be completed by registered veterinary nurses and farmers; however, this remains unclear for many professionals and doesn't easily allow for future changes in scope of practice for non-veterinary surgeons. There are also rules around delegation and employment, meaning that tasks can only be delegated by a veterinary surgeon to a registered veterinary nurse if they are employed by the same organisation, which has impacted the way veterinary nurses can work.

Only veterinary surgeons have legally protected titles, with the veterinary nurses' and allied veterinary professionals' titles not being protected. This is a concern as people may use these titles without the necessary qualifications or skills, thus affecting the treatment of animals and risking animal welfare, and creating confusion for animal owners.

The current process for being able to register with the regulator and practise in the United Kingdom as a veterinary surgeon or registered veterinary nurse only requires completion of the appropriate qualification from a recognised veterinary education provider. This does not provide the opportunity for the regulator to take the conduct, character, or health of the professional into account. The regulator also currently holds multiple register categories, including 'overseas practising', and 'non-practising', which can cause confusion for the public. Best practice includes a model of revalidation, which allows the regulator to provide assurance that those who hold a licence to practise

continue to meet the requirements of the regulator throughout their careers rather than just when they first register with the regulator. This is done currently through the requirement for registrants to confirm completion of their Continued Professional Development (CPD) and declare any convictions. Minimum CPD requirements, however, are not currently enforceable.

Currently there is very little flexibility with the registration of veterinary professionals, meaning that those with disabilities and chronic health conditions can be excluded from the profession if they cannot complete 'Day One Competencies' (skills across different animal species that all veterinary surgeons and registered veterinary nurses must be able to complete before qualification). There is also very little in terms of support that the regulator can offer to someone if their performance falls below the standard expected.

Additionally, individual legislative changes are required to recognise new veterinary schools, make changes to the statutory membership examination (an examination overseas vets who have not qualified from an RCVS recognised veterinary school need to undertake), and for the regulator to change fees. These are very resource-intensive processes and are out of step with regulatory best practice.

Allied Veterinary Professionals (AVPs) are not included in the Veterinary Surgeon's Act 1966, or any other legislation. This lack of coverage in the VSA both limits what they can do while leaving the wider veterinary team unregulated.

Farriers work alongside vets, trimming and shoeing horses' hooves, which can include treating conditions. Whilst not in the VSA, farriers in Great Britain are legislated under [the Farriers \(Registration\) Act 1975](#). This requires registration for anyone who shoes horses in Great Britain. This Act does not cover Northern Ireland (where farriery is not regulated). Across the UK, there is no regulation for the act of trimming horses' hooves (without shoeing), meaning it can be completed by anyone.

## **1.3 Proposal**

### **1.3.1 A licence to practise**

Under possible reforms, anyone who is conducting veterinary acts would require a licence to practise unless there is an exemption in place. This could take the form of an exemption order, which would allow non-licensed professionals to undertake specific tasks, usually following a test demonstrating their ability. This could include, for example, an exemption which allows people to mark and vaccinate badgers for bovine TB control, a process which is licensed by Defra and Natural England. It would also be possible to include additional temporary exemptions by commencing some aspects of future legislation at a later date than other parts. A licence to practise is the official documentation a professional must hold to carry out their job. Under this proposal, it would be a criminal offense, resulting in a fine and/or prison sentence, for anyone to carry out a veterinary act without holding the relevant licence to practise.

The proposed definition of a veterinary act would likely include, but not be limited to:

- the diagnosis of diseases in, and injuries to, animals - including tests performed on animals for diagnostic purposes;
- the giving of advice based upon such diagnosis;
- official activities including veterinary official controls and certification;
- the medical treatment of animals; and
- the performance of surgical operations on animals.

### 1.3.2 The Veterinary team

The definition of 'animal' could be linked to the definition of animals in the [Animal Welfare \(Sentience\) Act 2022](#). Aligning to this would mean any updates to the Animal Welfare (Sentience) Act 2022 would automatically be transferred to the reformed VSA.

In the Animal Welfare (Sentience) Act 2022 an 'animal' means:

- any vertebrate other than *homo sapiens*,
- any cephalopod mollusc, and
- any decapod crustacean.

This expansion of the definition of animal would mean that the treatment of some animals (for example, fish) would be considered veterinary acts, where previously this has not been the case under the VSA.

Under current legislation, exemption orders allow AVPs to perform minor treatments, tests or operations that would ordinarily be reserved to vets under the VSA if they have specific training/qualifications to work in that area. In order to make sure that there is not a gap in care when new professions are brought into legislation, under these proposals there would either be exemption orders for individual activities, or some clauses of the legislation could be subject to commencement regulations, meaning they can be phased in at different times. Existing exemptions such as blood sampling for disease control and lay vaccination of badgers for bovine tuberculosis could be replicated in proposed new legislation.

Licensed professionals, including students of each licensed profession, conducting veterinary acts would be considered to be part of the veterinary team under these proposals. One regulator would be responsible for the regulation and licensing of all professionals within the veterinary team. In the beginning, this would be veterinary surgeons and veterinary nurses, with the potential addition of farriers.

Bringing farriers into this proposed legislation would ensure that farriery is regulated in Northern Ireland. This would mean repealing the Farriers (Registration) Act 1975, and all aspects set out in this consultation would apply to farriers as Allied Veterinary Professionals. This would also lead to the abolition of the Farriers Registration Council.

Hoof trimming would become a regulated activity with barefoot hoof trimmers first having an exemption and later becoming a regulated allied veterinary profession.

The regulator would consult on and recommend to government which AVPs, such as Equine Dental Technicians, Musculoskeletal practitioners, Cattle Hoof Trimmers, Veterinary Technicians, Behaviourists and Bare-hoof Trimmers, should be regulated. Once the law is implemented, the AVPs would be able to continue to work in their field. This would either be under an exemption order, or by commencing the requirements for specific AVPs sometime after the primary legislation has come into force. As time progresses, there would gradually be a shift requiring the AVPs to gain a licence to practise for them to continue to work as their profession becomes incorporated into the Act.

The proposals mean that all regulated professions within the veterinary team would have recognised and protected titles (including all reasonable variations of the titles). The regulator will consider what protections could be given to students to enable them to use the titles, and to ensure they can complete veterinary acts while completing their training, including any requirements for supervision.

For each regulated profession, the regulator would:

- Determine the activities that can be completed by that profession, and any conditions required for the activities to be completed. This includes the level of oversight required by veterinary surgeons of activities completed by non-veterinary surgeons, as well as protocols for allocation, delegation, direction, and supervision required for all professions. Guidance on this would be produced by the regulator.
  - Non-veterinary surgeons would not need to be employed by the same organisation as the veterinary surgeon. This would open up new ways of working, especially for veterinary nurses, such as district nursing, as well as preserving the ability for AVPs to run their own businesses.
  - All professionals should always use their professional judgement when it comes to carrying out activities. Even if they are licensed to complete something, they should not complete it if it falls beyond their area of competence.
- Carry out the full scope of regulatory activity, including:
  - setting and maintaining standards for gaining a licence to practise, including qualification requirements and Day One Competencies
  - setting education standards and accreditation of educational establishments
  - setting professional codes of conduct
  - providing guidance and approval of qualifications

The proposals mean that there could continue to be a role for animal owners and carers to conduct certain veterinary acts. The scope of this would be determined by the regulator but would likely include minor medical treatments and emergency first aid.

For farmers, there would continue to be an exemption to allow them to carry out acts of minor veterinary surgery and medical treatment on their own animals. This can be made conditional, subject to training where needed. Where there are requirements for training/qualifications, the regulator would consider where existing processes can be used to assure standards in order to avoid duplication, where possible.

This could include replicating the actions in the proposed new legislation that can currently be completed by farmers/owners of agricultural animals under Schedule 3 and existing exemption orders.

Flexibility to complete certain veterinary acts, if trained/qualified to do so, does not mean that farmers/owners are mandated to carry out a procedure, they may still choose to engage a professional.

Specific departments and agencies within government across the UK, such as Animal and Plant Health Agency (APHA), could continue to use exemptions for veterinary public health and outbreak functions. Such an exemption for Animal Health Officers to take blood samples from cattle for disease surveillance. This would mean that the UK is better placed to deal with significant outbreaks of notifiable diseases.

### **1.3.3 Getting a licence to practise**

Under these reforms, each professional will require a licence to practise for their profession. This would permit that individual to carry out the veterinary acts deemed appropriate for their profession, as determined by the regulator. The overarching requirements for holding a licence to practise could be:

#### **1. Hold an eligible qualification/complete the minimum training in order to meet the Day One Competencies for their profession**

This would be determined by the regulator, would be different for each profession, and would include approved university degrees or diplomas, the statutory membership exam (which is undertaken by overseas vets who have qualified from a university that is not recognised by the RCVS), and other qualifications. Knowledge should be updated using continuous professional development (CPD).

The Day One Competencies for each of the professions would be set by the regulator and would act as the threshold required for each profession.

#### **2. Demonstrate they are fit to practise**

Being fit to practise is defined as having the skills, knowledge, character and health to practise their profession safely and effectively. This would require an assessment of skills, knowledge, character, and health, including any criminal convictions, which would likely be completed via self-declaration.

An individual would also need to declare that they have not been convicted of certain criminal acts. Additionally, anyone with long-term health issues/disabilities should notify their employers of any that may affect their work to enable reasonable adjustments to be put in place. They should only work in areas of the profession within their own limits, ensuring the safety for them, animals under their care and the public.

In a small proportion of cases there may be concerns raised about the individual's skills, knowledge, character, and health which may call into question their ability to practise safely and effectively. In this circumstance the regulator may request further information. This could result in proceeding through the fitness to practise process (see next chapter) or a refusal to grant the applicant's licence to practise. Failure to provide the information needed for the regulator to make a decision could also result in a fitness to practise process or refusal of the application.

### **3. Payment of fees to the regulator**

Fees would be set by the regulator and linked to the regulator's strategic plan.

There would be increased clarity in the annual accounts on the way the fee is spent.

### **4. Have a suitable level of English language**

This would be assumed to be the case if the registrant has English as their native tongue or studied for their qualification in English.

Otherwise, a recognised qualification (for example, the International English Language Testing System IELTS) would be required, with the level determined by the regulator.

### **5. Have indemnity insurance**

The minimum level would be determined by the regulator and set out in guidance.

There would be a robust and timely appeals process for individuals who are not granted a licence to practise.

Veterinary professionals can choose to not renew, or to rescind, their licence to practise at any point if they no longer wish to practise. The regulator may hold onto the details of those who have previously held a licence to practise, subject to their data retention requirements under [General Data Protection Regulation \(GDPR\)](#). This would enable a smoother process for those who have had a break to regain their licence to practise. This would replace the non-practising register which currently exists.

The licence would need to be renewed annually whereby the professional would need to declare any criminal convictions since their last renewal and confirm they are still fit to practise. A licence may also need to be revalidated at less frequent intervals in order to ensure licensed professionals meet the appropriate professional standards. The regulator would determine which aspects should be annual when the fee is paid and which should be multi-year requirements for revalidation.

Requirements could include:

- self-declaration of fitness to practise
- health and character declarations
- indemnity insurance declaration
- completion of Continuing Professional Development requirements (CPD):
  - CPD requirements would be determined by the regulator and may be different for each profession.
  - To maintain flexibility, there should be the option for the regulator to make exemptions for CPD requirements in specific circumstances.

#### **1.3.4 Types of licence to practise**

##### **A full licence to practise:**

A person holds a licence to practise for their specific profession. They are qualified and licensed to complete any activities permitted by their profession. They should, however, still use their professional judgement to work within their area of competence.

##### **A conditional licence to practise:**

There may be scenarios in which someone is not eligible for a full licence to practise but are still able to practise under certain conditions. There are several instances in which a conditional licence may be appropriate, as detailed below. The reason for the conditions on the licence (for example, if it's because of a fitness to practise process, or a health condition) would not be made public; however, details of what someone is or is not licensed to do, or if they have taken part in a public fitness to practise process, should be visible if someone were to search the record held by the regulator.

##### Disability or long-term health conditions:

In order to comply with the [Equality Act 2010](#), an individual who is unable to demonstrate all of the Day One Competencies due to a disability or long-term health condition, even with reasonable adjustment to assessment methods, may still be given a licence to practise under certain conditions.

The conditions that could be placed on a licence to practise should be broad to enable wider participation in the veterinary professions but also keep the system of licensing manageable for the regulator.

An example of this is to have a disability which causes weakness that prevents an individual from physically working with large farm animals, but they may be able to practise with smaller animals such as pets. Additionally, they may be able to work with farm animals in an advisory capacity.

Conditional licences to practise should not replace reasonable adjustments provided by an education/qualification provider. The aim should always be to support people to gain their full licence to practise. Where a conditional licence is issued, there must be a clear justification outlining why reasonable adjustments were not possible and why the conditional licence is necessary.

These conditions would remain on the professional's licence (unless they are subsequently able to demonstrate all of the Day One Competencies as assessed by a regulator-accredited qualification provider).

Should someone become disabled after gaining a full licence to practise, they would not normally need to change their licence or inform the regulator and should continue to practise within their current competency. Should an individual's ability to use their professional judgement to determine which tasks are within their current competency be impaired, an investigation through the fitness to practise process would be required. This may result in outcomes such as conditions on a licence.

#### Fitness to practise:

Conditions could be placed on someone's licence to practise as a result of a Fitness to Practise process (see next chapter).

#### Time-limited:

A full licence to practise may be granted under the condition that it is for a time-limited period. The individual would be able to undertake all activities permitted for their profession within this time limit.

An example of this is someone who is registered as a veterinary surgeon abroad and is travelling to the UK with an equestrian team for a professional competition. They could be given a time-limited licence to practise in the UK to treat the horses within the equestrian team for the duration of the competition.

#### Newly licensed conditions:

The regulator would have the option to grant a conditional licence to practise, for those who are newly licensed, on a risk basis. This could include additional requirements designed to ensure fitness to practise, such as specific CPD, vetGDP (Vet Graduate Development Programme) or VNGDP (Veterinary Nurse Graduate Development Programme) or supervision for specific activities. This could be used for people

obtaining their first licence to practise or people who have had a break of 5+ years from having a licence to practise.

#### Transitional arrangements:

The regulator would have the option to grant a conditional licence to practise as part of transitional arrangements when previously unregulated professions are brought into the scope of regulation for the first time. This would enable those who have previously been able to work in this area, but don't yet meet all of the proposed new standards, to carry on working (under certain conditions) while they work towards meeting the newly brought in standards.

#### Prospective future use:

The option of having a conditional licence to practise means that in the future, it may be possible to consider a move away from omni-potential practice (the ability to for vets to show the ability to work with all species) for overseas and/or UK-graduated veterinary professionals. Currently graduates are qualified in all areas of the profession but may wish to only qualify in certain aspects. This would enable specific courses aimed at qualifying as for example, a small animal veterinary surgeon.

This is not something that is suggested for now; however, this could be a future ambition. This would require secondary legislation. The risks and benefits of this would be fully explored and the public and professions consulted before this could happen.

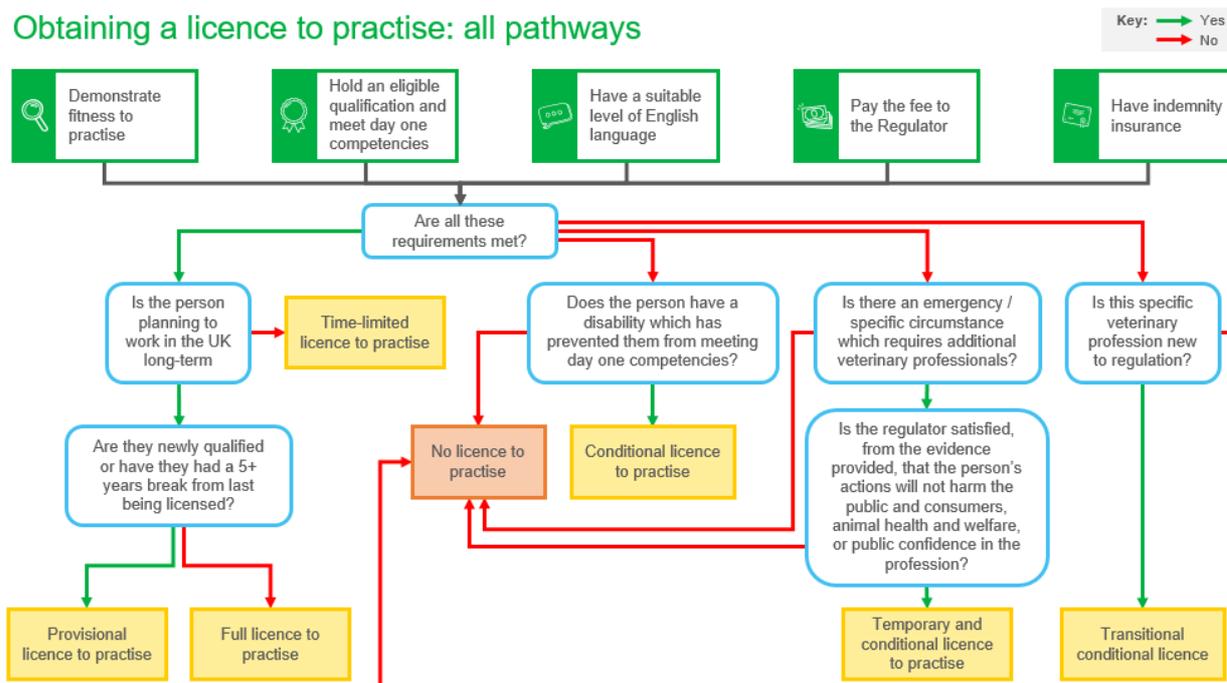
#### **Temporary and conditional licence to practise:**

Requirements for gaining a licence to practise could be altered in exceptional circumstances to enable someone to hold a licence to practise in specific scenarios. This would be for a time-limited period and the scope of permitted activity may also be limited. This would only be used in emergency scenarios, such as a sudden shortage in veterinary professionals, a public health crisis, or an animal health crisis. The regulator would need to be satisfied that the actions of the individual would not harm the public and consumers, animal health and welfare, or public confidence in the profession.

Similar powers under the current VSA have been used before in the lowering of the English language requirement for Temporary Registered Novice Official Veterinarians (TRNOVs).

This would also be used in cases of disease outbreak, to enable overseas-trained veterinary professionals to support the UK's disease response.

## Obtaining a licence to practise: all pathways



### 1.4 How these proposals achieve objectives

By mandating licensing for all veterinary professionals, this process ensures accountability and consistent standards across the professions. The proposed introduction of different licences would enable those who would otherwise be excluded from the professions to participate. The proposals uphold animal health and welfare by setting out key, but flexible, requirements for all the veterinary professions that would ensure high-quality care and protection for animals well into the future. The flexibility to regulate additional professions, and protect their titles, means that the proposed new legislation can respond to the needs of the veterinary market in order to protect the public and consumers, maintain high standards of animal health and welfare, and uphold the public trust and reputation of the professions.

**For a detailed overview of the Licence to Practise process, please see Annex 5.1**

## 1.5 Licence to practise questions

**L2PQ1. Veterinary acts can only be carried out by those who have an appropriate licence to undertake them (or have an exemption). A veterinary surgeon with a full licence to practise would be allowed to undertake all veterinary acts. Veterinary nurses and allied veterinary professionals would be able to undertake some veterinary acts, as determined by the regulator. Which of the following do you think should be considered as veterinary acts:**

Please select all that apply

- Diagnosis of diseases in, and injuries to, animals
- Carrying out tests on animals for diagnostic purposes
- Giving advice based upon a diagnosis
- Signing of official certification
- Medical treatment of animals; and
- Performance of surgical operations on animals
- None of these
- Don't know

**L2PQ2. To what extent do you agree or disagree with the following statement: Only individuals with a valid appropriate licence to practise (or those that have an exemption order to undertake specific acts) should be allowed to perform veterinary acts, as detailed in the chapter above?**

Please select one option only

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

**L2PQ3. Which, if any, penalties should be imposed on anyone who performs veterinary acts without a valid licence to practise those specific acts?**

This includes, for instance, a veterinary nurse or allied veterinary professional carrying out acts which should only be carried out by a veterinary surgeon

Please select all that apply

- Fines and financial penalties
- Revocation of licence
- Suspension of licence
- Legal actions that could result in criminal convictions - depending on the severity of the infringement
- Professional disqualification - preventing individuals from practising in the veterinary field in the future
- Reputation damage by publicly announcing the penalty faced by the individual
- Other penalty (please elaborate)
- No penalty
- Don't know

Please write in the box below

**L2PQ4. Expansion of animal definition**

**How appropriate is the use of the Animal Welfare (Sentience) Act 2022 to define which species are covered under veterinary care?**

The definition of animal in the Animal Welfare (Sentience) Act 2022 is 'animal' means—

- (a) any vertebrate other than *homo sapiens*,
- (b) any cephalopod mollusc, and
- (c) any decapod crustacean.

Please select one option only

- Very inappropriate
- Somewhat inappropriate
- Neutral
- Somewhat appropriate
- Very appropriate
- Don't know



**L2PQ4b. If you answered “very inappropriate” or “somewhat inappropriate”, please provide details of why you find it inappropriate for the definition of animals to be the same as the Animal Welfare (Sentience) Act 2022.**

Please write in the box below

**L2PQ5. The video you have seen shows the process for veterinary surgeons, veterinary nurses and allied veterinary professionals to gain a licence to practise. How confident are you that this ensures professionals are fully qualified, are proficient in English and have not committed serious crimes?**

Please select one option only

- Very confident
- Fairly confident
- Not very confident
- Not at all confident
- Don't know

Branched for not very confident/not at all confident

**L2PQ5b. If you answered “not very confident” or “not at all confident”, what, if anything, would make you more confident?**

Please write in the box below

**L2PQ6. Currently, registered veterinary nurses can only carry out veterinary tasks if they are delegated from a veterinary surgeon employed by the same business. Should registered veterinary nurses be able to carry out specific roles, such as district nursing, without direct delegation from a veterinary surgeon?**

Please select one option only

- Yes, should definitely carry out
- Yes, should probably carry out
- No, should probably not carry out
- No, should definitely not carry out
- Don't know

**L2PQ7. To what extent do you agree or disagree with the proposal to expand regulation to include allied professionals, for example, Equine Dental Technicians, Behaviourists, musculoskeletal professionals?**

Please select one option only

- Strongly agree
- Tend to agree
- Neither agree not disagree
- Tend to disagree
- Strongly disagree
- Don't know

**L2PQ7b. What are your thoughts on expanding the regulation to include allied veterinary professionals?**

Please write in the box below

**L2PQ8. To what extent is it important, or not, for the professional titles of veterinary nurses and allied veterinary professionals be legally protected?**

Legal protection of a title makes it a criminal offence for those not carrying out this job to use the title.

Please select one option only

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**L2PQ9. To what extent do you agree or disagree that farriers should be incorporated into the VSA with the allied veterinary professionals?**

Farriers (people who trim horse's hooves and shoe them) are already a regulated profession under the Farrier (Registration) Act 1975 in Great Britain but not in Northern Ireland. We are considering incorporating farriers under the proposed reform of the Veterinary Surgeons Act (alongside other Allied Veterinary Professions).

If farriers come under the VSA, horse health and welfare would be more protected in Northern Ireland. This change would mean that farriers will become regulated by the veterinary regulator instead of the Farriers Registration Council (FRC)) as it currently is.

Please select one option only

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

**L2PQ9b. If you answered "neither agree nor disagree", "tend to disagree", or "strongly disagree", please explain your answer**

Please write in the box below

**L2PQ10. Do you think that equine barefoot trimmers should, or should not be regulated?**

Currently equine barefoot trimmers (who trim horse's hooves but do not shoe them) are not regulated in the UK.

Please select one option only

- Yes, should definitely be regulated
- Yes, should probably be regulated
- No, should probably not be regulated
- No, should definitely not be regulated
- Don't know

**L2PQ11. Do you have any comments you wish to make on the Licence to Practise proposals?**

Please write in the box below

## 2 Fitness to practise

### 2.1 Introduction

Veterinary professionals are among the many professions that are regulated in the UK and around the world. Regulation helps the public have trust and confidence in professionals and helps veterinary professionals protect public health and animal health and welfare. Regulators set the professional standards, both across clinical and consumer matters, and can take action when individuals depart from these required standards.

The primary purpose of a fitness to practise system is to protect the public and animals from people who do not meet required standards. This includes ensuring that professionals have the skills, knowledge, character, and health to practise safely and effectively. It is needed to enable the regulator to fulfil its statutory objectives, including the protection of the public, consumers, animals, and to maintain confidence in, and the reputation of, the veterinary professions.

The proposal is for a transition to a fitness to practise scheme to provide earlier support and interventions for veterinary professionals. This approach should strengthen public confidence by ensuring that professional standards that fall below what are expected are acted on and concerns are addressed promptly and effectively.

A concern may be raised about a veterinary professional's performance, behaviour, or the impact that a health condition is having on their ability to practise safely. The concern may be raised with them, their employer, or the regulator. The fitness to practise system should consider the support that can be provided to ensure regulated professionals are practising safely, rather than simply focusing on removing individuals from their roles.

### 2.2 Current process

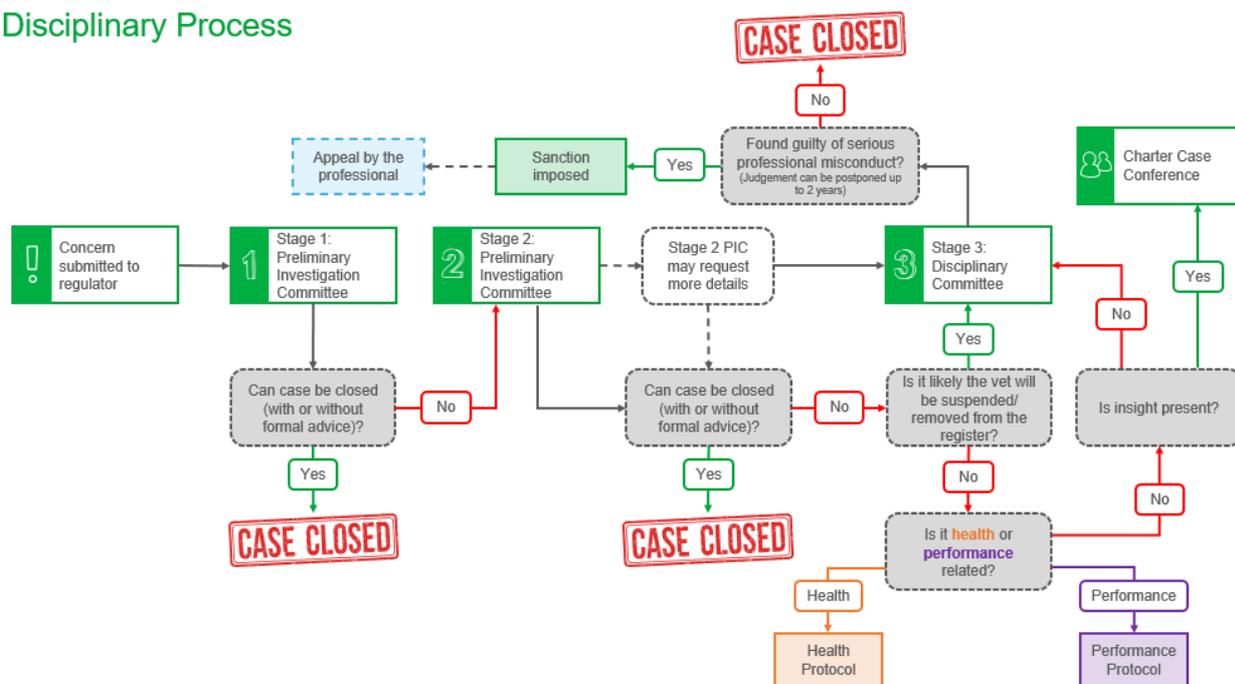
The regulator runs a disciplinary process focussing on ensuring veterinary professionals maintain high standards of conduct and competence throughout their careers. The expectations of registered professionals are set out in codes of professional conduct, which include standards for animal care, client interactions, professional conduct, and interactions with the veterinary team.

The current disciplinary process involves assessing whether a registered professional has been guilty of disgraceful conduct, which amounts to conduct which falls far below that set out in their code of professional conduct. It is backward looking, focusing on past misconduct, rather than a person's current conduct and competence.

Concerns are triaged when they initially reach the regulator, before being considered by the Preliminary Investigation Committee, and can then be referred to the Disciplinary Committee. Only cases that have a possibility of finding the individual to have committed

serious professional misconduct, proven to the criminal standard (meaning beyond reasonable doubt), proceed all the way through this process. Serious professional misconduct is a term used to describe conduct by a veterinary surgeon that is so serious that it may no longer be suitable for them to be registered with the RCVS, meaning they are no longer fit to practise as a veterinary surgeon. This is behaviour that falls far short of that to be expected of a veterinary surgeon.

## Disciplinary Process



The CMA reports that 3,540 enquiries were made to the RCVS Professional Conduct team between October 2023 and September 2024. Of these 692 were 'registered concerns' deemed to relate to potential professional misconduct, but [only 22 cases progressed to a Disciplinary Committee hearing in 2024](#). The remaining 2,848 complaints were directed away from the RCVS for resolution elsewhere, for example through the veterinary business. This may be that the concern did not meet the high threshold for investigation by the RCVS or it could be that the concern related to consumer issues, such as lack of transparency of pricing, which is outside of RCVS's current scope.

The Disciplinary Committee has the power to impose sanctions on those it deems to have committed serious professional misconduct, including striking the person off the register or suspending them. Any individual subject to suspension or being struck off the register has the right to appeal the Disciplinary Committee's decision to the Judicial Committee of the Privy Council. Please see glossary for description of what the Disciplinary Committee and Privy Councils.

## 2.3 Proposal

The proposal is that the regulator would run a fitness to practise process in order to ensure that all licensed veterinary professionals (veterinary surgeons, veterinary nurses, and allied veterinary professionals) maintain the standards required of them. The regulator would have the ability to take action to protect animals, consumers and the public, and maintain public confidence with the profession if a professional's ability to practise is currently impaired.

The regulator would produce rules and guidance on the fitness to practise processes, which would be made available to the public and the regulated professions. The regulator would produce codes of professional conduct for each profession it regulates, detailing expectations of the professionals. Failing to adhere to these may trigger a fitness to practise process. The code of professional conduct for each profession should be consulted on prior to creation and prior to any substantial updates but would not need approval from the Privy Council.

Someone having a 'current impairment' or being deemed to be 'currently impaired' refers to:

- serious misconduct (going against the Code of Professional Conduct)
- professional performance being seriously below what is expected
- not having the necessary knowledge of the English language
- a conviction for a criminal offence and/or
- a long-term physical or mental health condition (or disability) that means that someone cannot work safely (for themselves/their patients) in the area they are working with reasonable adjustments in place. This includes substance abuse/alcoholism

When considering health in the context of fitness to practise, the diagnosis of a health condition would not automatically trigger a fitness to practise process.

Licensed professionals should use their own judgment and only act within their expertise and competence. If a health condition affects a licensed professional's ability to assess their own competence, however, this may become a concern. If someone continues to practise outside their area of competence, including if this has changed due to their condition, it could be considered a fitness to practise issue.

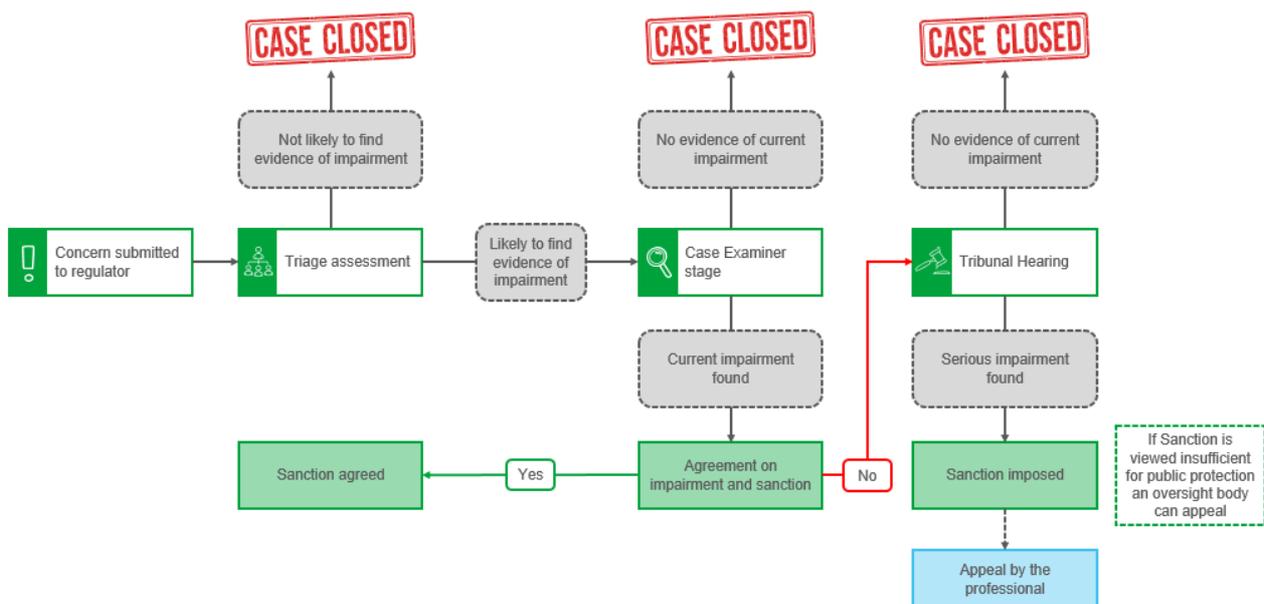
Under this proposal, there would be a requirement on employers who are licensed veterinary/animal healthcare businesses to initially address health and performance matters internally by putting reasonable adjustments in place through their own processes. If the concern is serious enough or if reasonable adjustments are insufficient to effectively reduce the risk to the animal, public, consumers, or professional reputation, then the employer should inform the regulator.

A member of the public could raise a concern about a professional’s fitness to practise directly with the regulator. The regulator would assess whether this concern meets its threshold for investigation. As is the case in other professional regulators, it is likely that instances of negligence would not be considered as meeting the threshold for investigation. In those cases, the regulator can provide information on other options such as mediation for resolving a dispute, if this is appropriate.

Where appropriate, and in line with all relevant [General Data Protection Regulation \(GDPR\)](#) requirements, the regulator may share information on the fitness to practise of licensed professionals with their employer (if that employer is a licensed veterinary or animal healthcare business) to ensure the right support is being provided.

In all fitness to practise cases, the burden of proof would be on the regulator, unless otherwise stated. This would be to the civil standard (on the balance of probabilities) of proof.

### Fitness to Practise



#### 2.3.1 Initial triage

Under this proposal, the regulator would triage cases and would be permitted to close them if there is little prospect of proving that someone’s fitness to practise is impaired.

Triage would be completed by staff employed by the regulator.

The regulator would set the threshold and provide training to staff about what cases should be closed at an early stage.

If additional information is required to make a decision, it should be provided to the regulator by those involved in the case.

### **2.3.2 Case examiner**

After triage, if the case is not closed, it would proceed to the case examiner stage. This involves the case being reviewed by case examiners appointed by the regulator.

Case examiners would be veterinary professionals and lay individuals (people who do not belong to the veterinary profession but may be a member of another profession) who are part of a 'Case Examiner Group'.

Case examiners would be appointed, and often employed, by the regulator. They would work on a case-by-case basis. It would be ensured that they do not have a conflict of interest in each case.

There would be a minimum of 2 case examiners (1 lay person and 1 licensed professional from the same profession as the licensed professional the case relates to) assigned to each case; however, an additional person could be appointed as a chair or additional expert for complex cases. The regulator would determine the criteria for when a third examiner is needed.

Case examiners would undergo rigorous appointment, training, and appraisal processes. They will be regularly assessed through internal and external audits to ensure their consistency, fairness, effectiveness, and competency.

The case examiners would review all relevant information, which could include reports on the professional's health and performance matters. Failure for the licensed professional to engage in this process or provide information required by the regulator to make a decision could result in sanctions.

With regards to performance, case examiners may ask for information from sources such as occupational health or workplace assessments when considering cases.

Where it is considered necessary, the regulator can request an assessment of someone's health, conducted by an independent medical professional. The case examiners may also recommend that the licensed professional should be invited to undergo assessment to review fitness to practise. The outcomes of this assessment would be shared with the regulator. Consent would be required from the licensed professional for private health information to be shared with the regulator.

In line with the [Data Protection Act 2018](#), the regulator would need to satisfy certain criteria to demonstrate that the private health information is needed to serve the substantial public interest in order to access the information without the individual's consent. The regulator would be required to have an appropriate policy document in place

outlining compliance measures and retention policies for any private health information processed.

The licensed professional can agree sanctions with case examiners; sanctions cannot be placed on the licensed professional without their agreement. If the professional doesn't agree then the case would progress to a tribunal. Sanctions could include undertakings, conditions on a licence, suspension, or removal of the licence to practise. An undertaking is a formal promise given in writing and signed by the licensed professional. Any undertakings must be proportionate, targeted, workable and measurable. Accepted undertakings may include things such as supervision when completing certain tasks. In exceptional circumstances where illegal substances are a concern, the professional may need to undergo blood, urine or other medical tests at particular times/and or intervals. If the case examiner determines that a current impairment to fitness to practise cannot be proved the case would be closed.

### **2.3.3 Tribunal**

Fitness to practise tribunals, under this proposed reform, would be a matter of public record for public assurance and clarity, unless there is a good reason for the proceedings to be heard privately. Cases resolved through the triage or case examiner stages would be held privately.

In the run up to tribunals, case management conferences may be held. These would be held between parties prior to the tribunal to ensure that the case for the tribunal is properly prepared. These conferences would discuss all evidence and witnesses to be presented and agree dates and deadlines to minimise delays and prevent evidence only being introduced on the day of the tribunal.

Failure to adhere to agreements made at the case management conference, or to provide the evidence requested, could result in costs being awarded to the other party to cover the costs of last-minute changes.

The sanctions available to the tribunal would be the same as for case examiners, but a tribunal would be able to impose these, rather than requiring agreement from the licensed professional.

### **2.3.4 Serious offences**

The proposal means that there would be automatic barring offences, meaning if someone is convicted of a certain offence, they would be automatically barred from gaining a licence to practise. If they have a licence to practise, they will lose it when convicted.

These would include offences such as murder, sexual offences, modern slavery offences, terrorism, animal related offences, and drug/human trafficking. The list of offences would be regularly reviewed and would be at the discretion of the regulator.

### **2.3.5 Interim orders**

Where there is a real risk of harm to the public, consumers, animals or trust in the professions, but where automatic barring does not apply, interim orders may be used. These would place conditions on the person's licence or suspend them from practice altogether throughout the fitness to practise process. Interim orders would be time-limited to a maximum of 18 months with the interim order regularly reviewed to see if it is still required. Should the fitness to practise investigation take longer than the interim order, extensions to the interim order would need to be approved by the High Court.

### **2.3.6 Review of sanctions**

Sanctions placed on or agreed by licensed professionals can be reviewed to determine if they are still appropriate. Upon this review, current impairment would be reassessed and the sanction can be updated, changed, removed, or maintained.

### **2.3.7 Appeals**

Appeals against the outcome of a tribunal hearing would be heard by the High Court. Appeals would need to be made within 28 days of the tribunal outcome and would need to meet the High Court's requirements for an appeal. Sanctions would not apply during the initial 28-day period in which professionals can appeal a decision or while the appeal is ongoing. If there is a real risk of harm to the public, consumer, animals or trust in the professions during the appeals process, an interim order may be applied.

The proposal is to have an oversight body which looks at the regulator's work. An oversight body could review the outcome of a tribunal hearing if there were concerns that the decision it made was insufficient to protect the public. The regulator could also ask that a decision be examined. The oversight body could then decide to appeal the decision to the High Court. For more information on the role of an oversight body, please see Sections 4.3.2 and 4.3.7.

### **2.3.8 Removal of licence to practise**

One of the sanctions available to fitness to practise tribunals is removing someone's licence to practise. This would be reserved only for the most severe cases.

A professional whose licence has been revoked would need to wait at least 5 years before they can apply to a panel for restoration. At this point, the burden of proof would be on the professional to prove (to the civil standard) that they are fit to practise.

The regulator should produce guidance about the process should professionals wish to re-apply to regain a licence.

The registrar of the regulator would have discretion on the number of times somebody can reapply. This would be on a case-by-case basis and proportionate.

There would be feedback from the panel given to those who have been unsuccessful, and there would be minimum time periods between re-application processes.

While the fitness to practise process is ongoing, a licensed professional cannot rescind their licence without agreement from the regulator. Where this has been agreed, it would be deemed that the professional has a 'voluntary removal' of their licence.

Voluntary removal would need to be agreed by the registrar, and would only be permitted in limited circumstances such as:

- the licensed professional is very unlikely to ever return to practising, for example they are nearing retirement or have a serious long-term illness; and/or
- where the public interest can be met by the licensed professional discontinuing practising rather than going through the full fitness to practise process.

This section does not relate to someone who chooses not to renew their licence to practise without a concern being with the regulator. If a complaint about someone who has not renewed their licence to practise is received by the regulator, this may be considered by the regulator when determining whether a licence to practise is granted again in the future.

## **2.4 How these proposals achieve stated objectives**

Ensuring that licensed professionals have the skills, knowledge, character and health to practise safely, supports maintenance of the UK's high standards of animal health and welfare. The improved processes in this proposal, which are in line with other professional regulators, would mean that there is more that can be done to support licensed professionals to comply with the standards expected of them; there would also be a wider range of sanctions available to the regulator if these standards are not upheld. This, in turn, would strengthen the veterinary workforce by increasing confidence in veterinary professionals, both from the public and fellow professionals. The introduction of greater powers for case examiners would streamline the process and enable cases to be resolved more quickly, reducing the burden on professionals and the businesses they work for.

## 2.5 Fitness to practise questions

**F2PQ1. Thinking of the process you have just read about and/or the video you have watched. To what extent do you agree, or disagree, that the proposed overall Fitness to Practise process is appropriate?**

Please select one option only

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

**F2PQ1b. Please provide reasons for your answer**

Please write in the box below

**F2PQ2. Thinking about someone in the veterinary team who is found to have a current impairment. Which, if any, of the following sanctions should be considered at the tribunal stage?**

**A 'current impairment' refers to —**

- a) Serious misconduct (going against the Code of Professional Conduct);**
- b) professional performance being seriously below what is expected;**
- c) a conviction for a criminal offence;**
- d) a long-term physical or mental health condition (or disability);**
  - i. where someone cannot work safely (for themselves/their patients) in the area they are working with reasonable adjustments in place, including due to substance abuse/alcoholism.**

**Please select all that apply**

- Undertakings (a formal promise regarding the actions that the professional has to do (or what they have to stop doing) for example undergoing a course of professional development)
- Conditions on their licence (such as not to carry out specific work, or to work under supervision)
- Suspension of their licence
- Removal of their licence
- Other sanction (Please write in)
- None of these
- Don't know

**Please write in the box below**

**F2PQ3. If a veterinary professional had their licence to practise removed by the regulator, how long do you think the minimum period should be before allowing them to apply for their licence to be restored, if at all.**

**Please select one option only**

- 1 year
- 2 years
- 3 years
- 5 years
- 7 years
- 10 years
- Longer than 10 years

- Not be able to apply for their licence to be restored
- The regulator should not be able to remove a licence to practise
- Depends on the reason for the removal
- Don't know

**F2PQ4. In a situation where a veterinary professional is alleged to have a current impairment of their competency to practise (including for health reasons such as disability, substance abuse/addiction, chronic illness), what, if any, information should the regulator be allowed to access?**

Please select all that apply

- An independent assessment report on the professional's performance with relevant health information in relation to the individual's ability to carry out their duties.
- The professional's medical records relating to items relevant to the case.
- A letter from their doctor(s) containing relevant health information and/or assessment of their ability to work.
- Other information (Please write in)
- None
- Don't know

**F2PQ5. Do you have any further comments you wish to make on the fitness to practice proposals?**

Please write in the box below

# 3 Regulation of veterinary/animal healthcare businesses

## 3.1 Introduction

There are a wide range of veterinary/animal healthcare businesses in the UK. These business types are wide ranging, both in the type of care delivered and the modes through which this is offered. They include first opinion veterinary practices, referral practices offering specialist care, as well as allied animal healthcare businesses such as those offering musculoskeletal or equine dental care.

Since 1999 people who are not veterinary surgeons have been permitted to own veterinary practices, and ownership by non-veterinary surgeons has markedly increased in this time. As of 2024, [there are at least 4,280 veterinary practices in the UK](#), with an [estimated 60% belonging to large corporate groups](#), compared to 10% of practices in 2013. Despite this, there is no statutory regulation of veterinary practices as businesses. This limits the oversight of the sector and the ability of the regulator to intervene when standards of care delivered by veterinary businesses fall short of what is expected by the public.

The ability to set, maintain oversight of, and ensure compliance of veterinary businesses with key standards is crucial to maintain the high quality of animal health and welfare in the UK. These measures would complement the proposed reforms to regulation of veterinary professionals. The responsibility for preventing harm from unsafe practices and upholding legal standards would be shared between professionals and the businesses they work for to ensure the right person or business is held to account. Achieving this through appropriate regulation of veterinary businesses is something the veterinary profession has long called for to ensure that clinical standards are maintained and that decisions are made in the best interests of the animals being treated and clients' circumstances.

The current gap in veterinary business regulation also raises competition concerns. [The Competition and Markets Authority \(CMA\)](#), the principal competition regulator in the UK, is currently conducting a market investigation into [veterinary services for household pets](#). The requirements of the current regulatory framework do not apply to non-veterinary surgeons who commonly have significant influence over the decisions veterinary businesses make. This includes making decisions over 'setting or influencing prices; deciding which vets to employ (including levels of skill and experience); investing in equipment; setting and monitoring performance and targets; setting consultation times; [creating protocols and practice guidance; managing the information given to consumers; and managing complaints](#). In those circumstances, competition may be negatively affected as consumers may not have the information they need, on services, prices and quality, to make informed choices. As highlighted by the CMA, poor

competition and ineffective regulation can also negatively impact animal welfare, as these outcomes are interconnected. In a well-functioning market, the appropriate regulation can drive positive outcomes; improving competition, reducing prices and ensuring customers can access a range of services which better meet their needs and those of their pet.

To address these issues, the CMA's emerging view is that regulatory requirements on veterinary businesses would help create a regulatory framework that protects consumers and promotes competition. The veterinary market has evolved and continues to do so, and there is a need for regulation to be able to adapt to this changing environment. It is important to appreciate that the proposals in this consultation are holistic. For example, this ability for regulation to adapt would be supported by the requirement for the regulator to have a consumer and/or competition duty, as discussed in Section 4.3.1.

This chapter focuses on proposals on the introduction of mandatory regulation of veterinary businesses and the UK veterinary practices they own and manage. These measures would also apply to animal healthcare businesses delivering care offered by regulated allied veterinary professionals and veterinary nurses, outside of what some might consider a typical practice setting. Mandatory regulation is required to set, maintain and ensure a veterinary business' compliance with minimum standards. The proposed measures would create a framework to guarantee clear accountability for all in scope businesses delivering animal healthcare. This would ensure consistent minimum standards of care, public safety, and animal welfare, especially as non-vet ownership of businesses increases. Further information on the businesses which would be in scope can be found in the proposal in Section 3.3.1.

There is a precedent in other healthcare sectors, including medical clinics, pharmacies, and dental practices, for regulation of clinical service providers and the premises from which regulated services are delivered. Mandatory regulation, including inspections and powers of entry, would align with other healthcare professions, provide greater public assurance, and better address health and safety risks to staff, clients, and animals.

## **3.2 Current process**

### **3.2.1 Voluntary regulation (Practice Standards Scheme)**

The RCVS, the regulator of veterinary professionals, has no statutory powers to regulate veterinary businesses in current legislation. To fill this gap, the RCVS, under its Royal Charter, operates a voluntary practice accreditation scheme for UK practices. [The Practice Standards Scheme \(PSS\) aims to “promote and maintain the highest standards of veterinary care”](#) which is achieved through the framework's different levels of accreditation and voluntary awards for practices in areas of excellence. [Around 69% of eligible veterinary practices are members of the scheme](#), and these are searchable for the public through the [RCVS website](#).

Due to its voluntary nature, the PSS does not ensure clinical or consumer standards across the remaining unaccredited practices, leaving a gap in assured standards across all practices. Nor is there any recourse, beyond expulsion from the scheme, if accredited practices are not compliant with the requirements. From a consumer and competition perspective, the CMA's emerging assessment is that "[\*the PSS is unlikely effective to regulate veterinary practices for reasons that relate to: its status; its objectives and scope; its monitoring and enforcement and its lack of visibility to consumers\*](#)". Only 7% of respondents to the [CMA's pet owner survey](#) were aware of the PSS scheme.

It is worth noting that there are providers of veterinary care which are not clinical practice based, including Government Veterinary Services and vets working within wider industry, for example pet food or pharmaceuticals. These types of businesses are not in scope of the PSS.

### **3.2.2 The Veterinary Medicines Regulations 2013**

In order to supply medicines, all veterinary practice premises must be registered. The RCVS holds this Register on behalf of the Veterinary Medicines Directorate (VMD).

VMD conduct risk-based inspections of veterinary practice premises to ensure they comply with the [Veterinary Medicines Regulations 2013](#). Practices which are part of the PSS are exempt from VMD inspections. This is because the PSS assessment process includes a medicines module, which meets VMD requirements.

### **3.2.3 Complaints**

The RCVS Code states that complaints into a veterinary practice should be handled "promptly, fully and courteously". There is no provision within legislation, however, to enable the setting of compulsory standards for complaints processes within veterinary practices. The PSS requires practices to have a written complaints procedure including timescales for a response.

### **3.2.4 Veterinary Client Mediation Service**

In addition to the handling of complaints in-house and through the RCVS for incidences of professional misconduct, clients and veterinary practices have the option to use the [Veterinary Client Mediation Service \(VCMS\)](#).

This is a voluntary mediation service funded by the RCVS through the professional registration fees paid by individual veterinary surgeons and nurses and is delivered by an independent legal firm. The service has been running since 2017, and it is free to use for the consumer.

The scheme can deal with complaints concerning professional conduct that do not reach the current high RCVS threshold of serious professional misconduct. It does, however, have some exclusions. [Complaints more than 12 months old are excluded, as are claims](#)

[that the vet discriminated against a pet owner on any of the protected characteristics in the Equality Act.](#)

If mediation through the VCMS fails, pet owners can still go to court to pursue their complaint, if they can provide evidence that alternative dispute resolution (ADR) was attempted. The court requires parties to show they have considered ADR, and not doing so could lead to the court disallowing the complaint or imposing additional costs.

[Due to its voluntary nature, the scheme does have further limitations.](#) The RCVS states that many of the practices declining mediation do so because “the complainant has acted unreasonably, [for example, criminal damage to the practice, abuse of staff or similar](#)”. Resolutions were reached in [84% of the complaints mediated in the 2022 to 2023](#) and [82% of complaints in the 2023 to 2024](#) reporting period, an increase from 76% in the 2021-2022 period.

### **3.3 Proposal**

All veterinary/animal healthcare businesses in the UK would require a licence to be able to operate. This does not include veterinary pharmacies or Suitably Qualified Persons retailers, as they are regulated by other legislation. For an independent business, the business and premises would likely be the same. For a business which operates a number of premises, such as if they are part of a group, there would be some requirements at each location (‘premises’) and some for the central business/corporate headquarters (‘business’). Both of these are essential to ensuring there is clear accountability for upholding standards. Businesses would be required to register and obtain a licence for each individual veterinary practice location (‘premises’) with the regulator.

This licensing scheme would be operated by an independent non-government regulator, who is also responsible for the licensing of individual professionals.

It would be an offence to operate a veterinary or animal healthcare business from an unlicensed premises, to use the title ‘veterinary or animal healthcare business’ or other commonly used terms (such as veterinary practice, veterinary surgery and veterinary clinic), or to imply a business is registered if it is not licensed by the regulator. The proposed penalty upon conviction would likely be a fine or a custodial sentence, or both. This requirement is important as misrepresentation could lead to public or animal harm if a customer believes they are receiving professional advice or treatment from a qualified source.

#### **3.3.1 Definition of veterinary or animal healthcare business**

The definition of a veterinary or animal healthcare business would include any entity which is a provider of veterinary clinical and animal healthcare or a service (whether paid or unpaid) that is delivered in the UK. That veterinary or animal healthcare business

may be responsible for more than one premises. The definition of the businesses in scope, would be linked to the definition of a “veterinary act”, meaning that care that is delivered through this entity cannot be delivered by someone without a licence to practise. This would include:

- clinical services provided by an educational establishment
- ambulatory services (a fixed address would be required for registration)
- businesses run entirely by veterinary nurses or AVPs

When defining a veterinary/animal healthcare business, flexibility would be required to capture potential changes in the market and the likely movement of veterinary services online, as well as the increasing use of technology.

The definition would include businesses and premises that only employ veterinary nurses or AVPs. There would likely be a phased introduction by the regulator, starting with regulation for veterinary/animal healthcare businesses which employ veterinary surgeons first before expanding to cover further business types, based on potential risk.

The definition would include providers of all services that are considered veterinary acts; however, an exemption would apply if those veterinary/animal healthcare businesses are already regulated by other means. There would, therefore, be an exemption for abattoirs (which are regulated by FSA), or Government Veterinary Services (which is covered by Crown indemnity).

### **3.3.2 Standards**

Proposed primary legislation would set the framework for regulation; how this is delivered would be for the regulator to determine, subject to Defra Secretary of State strategic steer (as the sponsoring department), where required. The steer would be high-level but legally binding. This would be developed with engagement with the regulator and would need government approval before issuing. The steer would be in relation to the business and competition standards, rather than the clinical standards. This is discussed more in Section 4.3.6.

All veterinary/animal healthcare businesses would need to adhere to both standardised and sector-specific mandatory minimum standards. There would be standards for veterinary/animal healthcare businesses which seek to ensure the clinical, health and safety, competition and consumer outcomes that regulation aims to deliver. Those who deliver veterinary/animal healthcare businesses would be required to demonstrate that:

- each premises they operate meets specified standards; and
- their veterinary or animal healthcare business complies with specified standards.

The specifics of the standards, and how these are assured, would be set by the regulator, with strategic steer given by Defra Secretary of State in relation to business

elements of proposals. Reformed legislation would set out that standards should include the following areas:

- health and safety (both animal and human) and animal welfare;
- suitably qualified, registered, and adequately trained staff; (this links to the veterinary business requirement to resolve fitness to practise issues in-house, mentioned in the fitness to practise chapter)
- good governance, record and data keeping and alignment with professional and legal requirements; (this could include keeping and sharing data on specific items, such as antibiotic usage)
- responsible management and usage of medicines;
- good leadership and staff welfare;
- safe physical working environment including equipment and facilities; and
- consumer focussed duties: this could include the pro-competition requirements the CMA has [provisionally recommended](#) should apply under a CMA Order.

Veterinary/animal healthcare businesses would be asked for evidence that they meet the standards, which could include an inspection of the premises.

All veterinary/animal healthcare business and premises would be required to participate in an external mediation service, such as the VCMS.

As the proposed standards focus on maintaining the minimum requirements, there would still be a place for a voluntary accreditation scheme aimed at veterinary/animal healthcare business and premises seeking excellence. The scope of this would be at the discretion of the regulator and would not be the subject of legislation. This could be expected to be an evolution of the current PSS, which would likely include the [additional features as proposed by the CMA](#).

#### Linking standards to the outcomes of the CMA investigation:

The proposed framework should align with the final CMA recommendations including any recommendations to government, the regulator, or other appropriate persons, when decided. The CMA also possesses [order-making powers](#). Consideration would be made to ensure inclusion of appropriate CMA final remedies that are relevant to this area within the scope of the proposed regulation. This would include measures that may be imposed by CMA Order. This should reduce duplication between the CMA and veterinary legislation, avoiding a confusing regulatory environment. There would, however, be a transitional period between any requirements brought in under CMA Orders and new, wide-ranging legislation that has to come in over time under enabling provisions.

### 3.3.3 Licensing process

The regulator would keep a public register of all licensed veterinary/animal healthcare businesses and premises.

It is envisioned that a list of licensed premises and key information, would be available online similarly to the RCVS's current ["Find a Vet Practice"](#) service. The information would include who holds licences (including the veterinary business to which they belong, if applicable), any limitations on licences, any sanctions (such as fines) and the names of the responsible persons within the veterinary business, as well as any information that the regulator regards as relevant.

In order to get a licence, a veterinary/animal healthcare business could be expected to meet these requirements for each premises:

- register the premises with the regulator
- pay an annual licensing fee for the premises to the regulator (the fee would be set by the regulator to ensure cost recovery and a fee would also be charged for the inspections conducted by the regulator, at cost recovery)
- self-declare that the premises (and where appropriate the central business functions) meets the required standards of the scheme
- name of the licence holder/business owner
- name of a responsible person for the premises
- submit required evidence of compliance with standards to the regulator
- undergo an initial inspection (and subsequent inspections on a risk basis), if applicable

Upon first applying for a licence and ahead of the first inspection, a premises could be granted a provisional licence.

This would be for a limited period of time, to be determined by the regulator, until the first inspection has been completed.

A provisional licence could also be used if a veterinary/animal healthcare business or premises changes its name or ownership, until it is reinspected.

The regulator would have basic information gathering powers allowing the regulator to require premises and veterinary businesses to provide relevant documentation needed to assess these standards.

### 3.3.4 Responsibility

The licence holder (or statutory director) is responsible for ensuring the safe and effective provision of veterinary services and compliance with the business standards and legislation at each of their premises. Where the premises is owned by a corporation, the directors (as appropriate) must assure themselves that the standards are met.

Individual licensed professionals working within a premises would remain responsible for their own actions. There would be a requirement for all clinical staff working in a premises to be familiar with the standards and a professional responsibility to raise concerns if they believe the standards are not being met. The regulator should be added to the [Public Interest Disclosure Act](#), in order to protect veterinary professionals from detrimental treatment or unfair dismissal if they raise concerns with the regulator.

### Named Responsible Person

Each veterinary/animal healthcare business and premises must have a 'Named Responsible Person'. There should be a named responsible person at each premises and within a centralised team within the business (if part of a corporation). This individual would have responsibility for ensuring that the day-to-day running of the premises is compliant with the standards. It is important that the named responsible person would be a licensed professional (either veterinary surgeon, veterinary nurse, or AVP), who is senior enough to have direct knowledge and influence over the clinical services being offered.

The named responsible person can face individual regulatory action if they do not meet the standards for a responsible person. The requirements for the role would be set within the proposed primary legislation. They should, however, be given statutory independence and autonomy (similar to Data Protection Officers) including protections to protect them from unfair dismissal or detrimental treatment.

### **3.3.5 Reporting requirements for businesses**

The regulator would be able to make rules to require regulatory reporting of key information to assess compliance. This may include data around complaints, clinical outcomes, competence/training of staff etc. It would also include details of staff and management. Failure to provide this information could result in sanctions for the premises/business.

### **3.3.6 Inspection process**

An inspection process would be required to assure standards are being complied with. The regulator would appoint authorised inspectors to conduct inspection visits of all premises on its behalf. Premises would pay the cost of these inspections, which would be charged on a cost-recovery basis. The types of inspections permitted would be:

- routine inspections – the regulator would authorise an inspection of a new veterinary premises to verify its compliance with standards. Once this has been completed, the premises would obtain a full licence. Each premises should expect to have subsequent routine inspections conducted at least every 4 years. The frequency of inspections would be set by the regulator.
- spot inspections – the purpose of these inspections would be to ensure that registered premises are maintaining the required standards.

- risk-based inspections – additional risk-based spot inspections would be undertaken by inspectors based on a premises' risk status. This would be based on their inspection and compliance history and the likelihood of shortcomings being found.
- enforcement visits – where the regulator has received evidence of potential breaches, enforcement visits would take place. At an enforcement visit the inspectors may focus on the potential breach identified by the intelligence received rather than conducting a full inspection.

### 3.3.7 Regulator powers

#### Powers of entry

To ensure the ability to check compliance with the required standards under these reforms, the process would be underpinned with powers of entry for the regulator to ensure inspections can take place on a risk basis.

Powers of entry would apply to the locations and premises from which a veterinary/animal healthcare business operates.

Premises and business staff would be required to allow the inspector to enter the premises and to cooperate fully with the inspection.

It would be an offence to obstruct an inspector carrying out their duty.

Except in exceptional circumstances, failure to comply with the inspection may be grounds for escalation through seeking a warrant to enable entry or the issuance of improvement notices or stop notices.

For all inspection visits, the regulator would be expected to provide reasonable notice to the premises or veterinary/animal healthcare business, except in limited or exceptional circumstances. This is different to the General Pharmaceutical Council where all visits are unannounced.

Such circumstances may include:

- where giving notice would be counter to the purpose of the visit;
- where reasonable efforts to agree an appointment have failed; and/or
- in an emergency or where there is reasonable suspicion of a failure to comply with the legislation.

Some veterinary or animal healthcare businesses may be operated from private dwellings. Balance would be needed to ensure that private family life remains protected whilst ensuring compliance with standards. Clear written authorisation from the regulator presented to the premises occupier or owner would be required to exercise powers of entry.

Should access to all or part of the premises be refused, the regulator would be required to apply for warrant from a Magistrate (England, Wales and Northern Ireland) or Justice of the Peace (Scotland). Warranted powers of entry would be used on the basis of the risk to public or animal health and welfare. Costs associated with this would be passed on to the business.

#### Associated powers during an investigation:

To enable thorough investigation, the following associated powers are proposed to:

- search and/or seize;
- observe and view;
- require explanations;
- seek or require information or records;
- take copies of documents;
- ascertain compliance with regulations;
- take people and equipment into a premises when exercising the power of entry;
- survey or test;
- examine and investigate;
- direct premises to be undisturbed;
- take measurements;
- take photographs and make recordings;
- take samples; and
- take possession of and detain substances or articles found.

A receipt of what is taken would be given to the occupier.

Proposed new legislation may stipulate which powers are available to the regulator in the different contexts. In the context of enforcing some consumer and competition measures, the view is that not all of the above powers would be proportionate compared to those needed for enforcing animal welfare and public health objectives.

Additionally, the regulator would have powers to acquire information for the purposes of monitoring compliance, without visiting the premises. This would include information kept outside of local premises, for example at a head office, where relevant. This would include requiring business owners to provide information, documents and answer reasonable questions.

### **3.3.8 Inspection results**

Following an inspection visit, a written report of the inspection would be provided to the regulator with a summary copy to the premises and veterinary/animal healthcare business (if part of a group).

The regulator would be required to publish an inspection report online showing whether the premises is compliant with standards.

Any minor, major and critical breaches with these standards would be identified and explained.

If the report demonstrates that the premises is operating within the standards, it would be licensed.

If there are concerns about compliance with standards, there would be several options for the regulator:

- Provide advice and guidance on improvements;
- Impose a fine for any shortcomings in the standards;
- Conduct additional inspections:
  - The premises or veterinary/animal healthcare business may be charged for this on a cost recovery basis.
- Issue an improvement notice to the premises or veterinary business, during this period the premises can continue to operate. This would be subject to their compliance with the conditions within the required time period:
  - Where standards are not met, but there is no immediate risk to the public or animal health and welfare, improvement notices would be issued. They would be issued in writing to the premises and veterinary business. The notice would set out where the premises has not met the standards, what is required to achieve compliance, and the timescale to achieve this.
  - Business owners and the named responsible person would be responsible for making sure that the work is carried out within the timeframe set out in the improvement notice. Inspectors would follow up with the premises to ensure that they have made the improvements necessary, including through a re-inspection as required.
  - The aim of these notices would be to work constructively with the premises and veterinary business, providing clear information to guide them to be able to achieve the necessary standards, thereby limiting the impact of the non-compliance.
  - Failure to comply with all or any of the improvement notices would be an offence. The appropriate enforcement would need to be reflective of the offence committed, for example, the enforcement action taken for shortcomings relating to animal welfare may vary from the route taken in response to issues with consumer and competition requirements.
- To suspend the licence (meaning to issue an immediate stop notice):
  - Where standards are not met, but there is an immediate risk to the public or animal health and welfare, the regulator may issue an immediate stop notice for the premises. This would prohibit activities in part or all of the premises until the issue has been resolved.

- To remove the licence of the premises:
  - This would only be used as a last resort, where all other options have failed to resolve the issues with the standards.

### **3.3.9 Non-compliance identified outside of inspections**

If it has been identified, outside of an inspection, that a veterinary business has acted in a non-compliant manner or breached its licence, then the veterinary business could be subject to the same sanctions detailed above.

### **3.3.10 Links to individual fitness to practise**

If, during a veterinary/animal healthcare business or premises inspection, there is evidence of shortcomings in the professional standards of an individual licensed professional, the evidence gathered from inspections can be used in the “fitness to practise” process. The exception to this is where powers of entry are used. Powers of entry can only be exercised for the purpose of business inspections, so evidence gathered here should not be used against an individual professional. It could, however, be used to launch a fitness to practise review against an individual.

Complaints or other intelligence about an individual professional could lead to a veterinary/animal healthcare business or premises inspection, if it raises concerns about compliance with business standards.

### **3.3.11 Complaints about veterinary/animal healthcare businesses and premises**

The regulator would be required to have a complaints process to handle concerns raised about veterinary/animal healthcare businesses from the public or professionals.

### **3.3.12 Appeals**

The regulator would be expected to have an appropriate escalation process in place, including appeals at all stages of the process (including in relation to the exercise of enforced powers of entry and improvement notices). There would be a statutory right of appeal through His Majesty’s Courts and Tribunals Service (HMCTS) and/or the regulator depending on the nature of the complaint.

## **3.4 How these proposals achieve stated objectives**

Bringing in regulation of businesses alongside that of professionals would support animal welfare by ensuring that all parts of the business involved in their care are meeting required standards. All licensed professions would have the opportunity to become a named responsible person within their business, giving them the opportunity to ensure standards are met and that their business is driving the positive outcomes intended. The requirements for businesses would also mean that licensed professionals working in licensed businesses are not put in a position where they are asked or feel pressured to act

outside their code of professional conduct. Introducing business standards would support consumers to make informed decisions about care of their animals, which would increase trust within the sector and better outcomes for pets. These recommendations are also expected to support economic growth by addressing the potential issues that may be currently damaging competition in the sector.

### 3.5 Veterinary and animal healthcare business questions

**BusQ1. Which, if any, of the following Veterinary/Animal Healthcare businesses should be regulated under proposed new legislation?**

Please select all that apply

- All veterinary/Animal Healthcare Businesses [EXCLUSIVE RESPONSE]
- Veterinary/Animal Healthcare Businesses with physical location
- Veterinary/Animal Healthcare Businesses with an online presence only
- Veterinary/Animal Healthcare Businesses run by licensed Veterinary Surgeons
- Veterinary/Animal Healthcare businesses run by licensed Veterinary Nurses
- Veterinary/Animal Healthcare businesses run by regulated allied veterinary professionals
- Other (please specify)
- Veterinary/Animal Healthcare Businesses should not be regulated [EXCLUSIVE RESPONSE]
- Don't know [EXCLUSIVE RESPONSE]

**BusQ2. Thinking about a scenario of a veterinary/animal healthcare business that has multiple premises/locations (i.e. different branches) across a number of different geographic locations.**

**Which of the options below should a named responsible person be responsible for?**

Please select one option only

- a) **One** premises/location **ONLY**
- b) **Each** premises/location **AND** also an addition person for the overall central business if part of a large veterinary group
- c) One designated named responsible person overseeing **multiple** premises/locations
- d) There **should not be** a named responsible person at the premises/locations OR overall, for the central business
- e) Don't know

**If selected "d", please explain your answer**

Please write in the box below

**BusQ3. Which, if any, of the following should be assessed by the regulator?**

Please select all that apply

- The health and safety policies
- Animal welfare policies
- Staff welfare policies
- Qualifications of the regulated professional
- Training of the regulated professional
- Record keeping to professional and legal requirements
- Management, storage and usage of medicines
- Leadership of the practice
- Working environment including equipment and facilities
- Treatment of consumer/customers
- Visible information about prices
- Participation with an external mediation/adjudication service
- None of these
- Don't know

**BusQ4. A veterinary/animal healthcare business would need to have a licence from the regulator before they open a premises. Which, if any, of the following do you think the premises must have in place before the licence is issued?**

Please select all that apply

- Declaration from the business that it meets the requirements of a licence
- Named responsible person at the premises
- Named responsible person at business level (if the premises is part of a larger group)
- Inspection by the regulator of the premises (or documentation for those without a physical location)
- Inspection of premises based on risk.
- Something else (Please write in)
- None of these
- Don't know

Please write in the box below

**BusQ5. If the regulator is concerned about a veterinary/animal healthcare business, which if any of the following situations do you think the regulator should have powers of entry to inspect the practice?**

Please select all that apply

- Powers of entry for routine inspections for business/practice premises
- Powers of entry for spot inspections for business/practice premises
- Powers of entry for risk-based spot inspections for business/practice premises
- Warranted powers of entry (from the police) for business/practice premises
- Powers of entry for routine inspections for private dwellings regarding mobile/remote businesses (where the paperwork is kept in their private dwellings)
- Warranted powers of entry (from the police) for private dwellings
- Powers of entry for another situation (Please write in)
- No powers of entry.
- Don't know

Please write in the box below

**BusQ6. Which, if any, of the following sanctions and actions do you think the regulator should impose for non-compliance of the veterinary/animal healthcare business requirements?**

Please select all that apply

- Charge a business owner with a criminal offence if the business is operating without a licence.
- Provide guidance and advice on improvements
- Impose fines based upon the non-compliances and how critical they are.
- Issue an "improvement notice" of work that must take place with a timeframe set by the regulator based on severity and risk
- Suspend the practice licence
- Suspend the business licence (ie. all premises within the business).
- Issue an "immediate stop notice" for the premises to stop work on specific activities
- Permanent removal of the licence
- Other sanction/actions (Please write in)
- None of these
- Don't know

Please write in the box below

**BusQ7. Do you have any comments you wish to make about the proposed regulation of veterinary/animal healthcare businesses?**

Please write in the box below

# 4 Governance

## 4.1 Introduction

For proposed new veterinary legislation to achieve its aims, it will require a regulator which has, amongst other things, the appropriate purpose, expertise and powers to protect the public and consumers, animal health and welfare, and maintain the reputation of the professions. The functions, structure and governance of the regulator would require careful design to ensure that the regulator is able to perform its functions effectively and for these to be clear and trusted by the public and profession. The design and functions of the regulator would also need to adhere to the government's [Regulatory Action Plan](#), which aims to: tackle complexity and the burden of regulation; reduce uncertainty across the regulatory system; and challenge and shift excessive risk aversion in the system. In this section the key principles of the regulator design are set out to ensure this is achieved.

There are two forms of regulation that are utilised as best practice by regulators of professionals in the UK. These are downstream regulation and upstream regulation.

Downstream regulation refers to the core activities of the regulator, the purpose of which is to protect the public by setting and upholding standards. This includes the licensing system and the reactive, enforcement-based part of regulation that deals with concerns, complaints, and misconduct after the fact. These measures have been set out in the fitness to practise and veterinary/animal healthcare business regulation chapters.

Upstream regulation ensures that professionals and veterinary/animal healthcare businesses are supported to follow best practice, and that continuous learning is encouraged to prevent harm before it occurs. It refers to supportive and preventative activities including educational resources and mental health initiatives.

Best practice in the regulation of professionals involves a balance of these two complementary approaches. Upstream regulation helps reduce the need for downstream action by ensuring standards are clear and tackling concerns before they cause issues. Downstream regulation remains critical for public protection when serious issues arise. Both can help build trust between the professionals, veterinary/animal healthcare businesses and the public, increase safety and can make a significant difference in outcomes for professionals, businesses, and the public. The effective delivery of both must be underpinned by appropriate governance.

As well as a professional regulator, many professional sectors (particularly in human health) also have a professional leadership organisation to uphold standards. A professional leadership organisation typically conducts post-graduate educational activities and sets additional standards for a profession. If the professional leadership organisation is a Royal College, it will have received a Royal Charter, which is a formal

document issued to an organisation by the monarch, granting it special status, rights, or powers.

The responsibilities of a professional leadership organisation usually include:

- setting specialism-specific curricula based on the regulator's professional standards;
- accrediting specialism-specific training programs and overseeing examinations;
- supporting continuing professional development (CPD); and
- advocating for their profession in public policy and healthcare.

In the health and care professions, professionals are regulated by one organisation (such as the General Medical Council (GMC) or the Nursing and Midwifery Council (NMC)) and they may also belong to a professional leadership organisation depending on their specialty (such as Royal College of Surgeons, Royal College of Psychiatrists, or Royal College of Nursing). While these organisations should complement each other, each have their own clear scope.

A professional leadership organisation may contribute to professional development and education; however, the responsibility for both upstream and downstream regulation lies with the regulator. A regulator's responsibility should always be to protect the public interest, meaning that their independence is vital to maintaining confidence in the system.

The [Professional Standards Authority for Health and Social Care \(PSA\)](#) is another part of the regulatory system within the human healthcare sector. It is an independent body accountable to the UK Parliament, with a primary mission to protect the public by improving the regulation and registration of people working in health and social care. The PSA oversees health and care professional regulators, reviews their performance, and can appeal fitness to practise tribunal decisions to the High Court if they are not adequate to protect the public. This is an important and additional level of assurance of governance structures for many regulators.

The Privy Council also plays a role in the regulation of many professional bodies. The Privy Council is a historic and formal body of advisers to the monarch of the United Kingdom, which plays a key role in certain legal, constitutional, and ceremonial functions.

It is worth highlighting that the number of human health and care professionals is far greater than the number of veterinary professionals in the UK. [The GMC has around 400,000 registrants](#), the [Nursing and Midwifery Council \(NMC\) has nearly 850,000 registrants](#) and the [Health Care Professions Council has over 350,000 registrants](#). The veterinary profession is significantly smaller with around [39,700 veterinary surgeons and 26,400 veterinary nurses currently registered](#) with the RCVS. It is difficult to accurately estimate the number of AVPs in the UK as there is currently no official register.

## 4.2 Current process

Currently, the Royal College of Veterinary Surgeons (RCVS) hold the unique position of being a Royal College that also regulates. This means it conducts both regulation and professional leadership, with respective powers under the VSA as well as a Royal Charter.

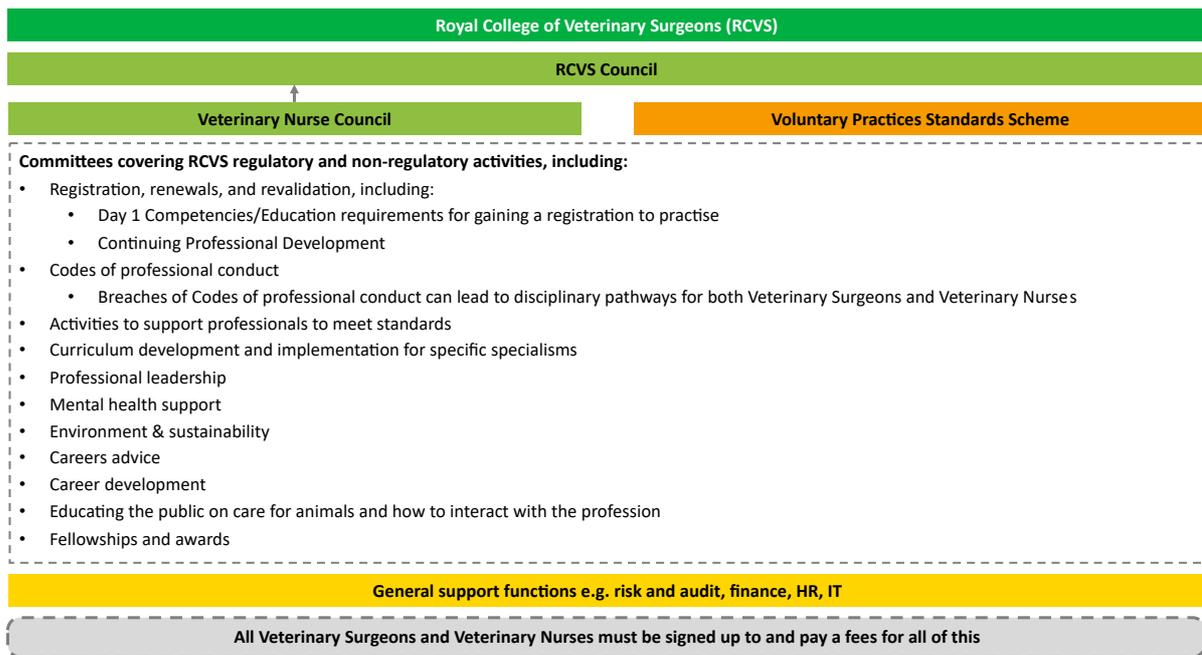
The activities it undertakes under the VSA include:

- maintaining the register of qualified veterinary surgeons, including the required fees, disciplinary process, and enforcement procedures required to maintain this;
- supervising veterinary education and advising the Privy Council on the recognition of UK veterinary degrees;
- recognising overseas qualifications; and
- safeguarding public and animal welfare by ensuring only registered professionals perform acts of veterinary surgery.

The activities it undertakes under its Royal Charter include:

- accrediting veterinary education and qualifications not covered by the Act;
- collaborating internationally to develop and co-ordinate veterinary education standards;
- providing guidance on post-registration education and training and supporting ongoing learning and innovation;
- awarding fellowships, honorary titles, and other recognitions;
- maintaining registers of veterinary nurses and other associates;
- issuing guidance on professional conduct and Day One Competencies;
- setting standards for and accrediting veterinary practices and service providers;
- facilitating the resolution of disputes between professionals and clients;
- offering information services, including historical insights into the profession, and monitoring changes in veterinary practice and service delivery; and
- promoting careers in veterinary professions.

This structure is set out in the diagram below



There is significant overlap between the RCVS’s current role as a regulator conducting both upstream and downstream regulation, and the powers awarded to them under the Royal Charter on professional standards. This is particularly the case given that the accreditation of veterinary practices is under their Charter powers, whereas the regulation of veterinary surgeons is under the Act and regulation of veterinary nurses involves both the Act and Charter powers. Any updates to the VSA would need to ensure that there is clarity of functions, for both the public and the professionals.

Currently, the list of registered veterinary nurses is kept under the Royal Charter powers of the RCVS, which means they are not considered ‘members’ of the Royal College in the same way as veterinary surgeons. Changing this would require an update to the Royal Charter, after the proposed reform of the VSA is completed.

As set out in previous chapters, additional responsibilities are proposed beyond what the regulator currently does, such as the regulation of AVPs and the introduction of regulation, including mandatory standards, for veterinary/animal healthcare businesses. This proposed increase in scope of the regulator’s role, and the need to maintain independence from the veterinary profession, would necessitate a change in governance of how the regulator operates.

The role of the Privy Council in veterinary regulation would also be reviewed. The Privy Council is currently responsible for:

- the approval of rules and regulations relating to the VSA, including raising of RCVS fees, registration, and disciplinary processes;
- approval of appointments of members to the RCVS Council;
- oversight of legislative reform, including changes to governance;
- recognition of UK veterinary degrees;

- taking action if it feels the RCVS has failed in its statutory functions;
- hearing appeals from disciplinary proceedings; and
- approving any updates to the Royal Charter.

While some aspects of this remain best practice, namely approving Royal Charter updates and approving appointments, many of the roles currently undertaken by the Privy Council are out of step with other legislation. For example, the granting of a recognition order from the Privy Council to [veterinary degrees which have been accredited by the RCVS](#). This is not the norm for other healthcare professions, with medical degrees being accredited by the regulator only.

### 4.3 Proposal

A core aim of regulation is to create a future-proofed, flexible regulator that: is fit for purpose, aligning with the government's [Regulation Action Plan](#); protects animal and health and welfare, and public health; is clear, transparent, fair and accountable; is proportionate; is financially sustainable; and supports competition and consumer interests. The changes consulted on in previous chapters would require changes to the current governance structure in order to ensure the regulator remains fit for purpose.

This chapter presents the 'building blocks', or fundamentals, for veterinary regulatory design. Two overarching models will be described to illustrate how the regulatory design could look in practice:

- one model is retaining a regulator that provides professional leadership functions, which could be renamed the 'Royal College of Veterinary Services'. This would keep regulatory activities and professional leadership activities within the same organisation, but with a clear and structured divide between the 'Regulator' function and the 'Professional Leadership' function.
- the second is streamlining the role of the regulator so that it becomes a purely regulatory body. The professions would then decide whether they wanted to set up a professional leadership organisation or organisations.

#### 4.3.1 Scope

The regulator would regulate all professional individuals (veterinary surgeons, veterinary nurses, allied veterinary professionals) and veterinary/animal healthcare businesses. They would complete downstream regulatory functions including setting and maintaining standards for both businesses and professionals, operating a licence to practise scheme, as well as a fitness to practise process and removal of licences. Along with this, the regulator would provide some upstream regulation to ensure standards are maintained, and systems are in place to protect the public, consumers, animals, and maintain confidence in and the reputation of the veterinary professions.

In addition to aligning with the government's broader vision for an effective regulatory system, the specific regulatory objectives for veterinary services could be to:

- protect, promote and maintain the health and welfare of animals and the public;
- promote and protect public confidence in the veterinary professions;
- promote and maintain proper professional standards and conduct for members of those professions;
- protect consumers (a consumer duty) – the [provisional decision recommendations](#) from the CMA are that the regulator should further the interests of pet owners, where this does not contradict with its animal welfare requirements; and
- ensure fair competition within the market (a competition duty) – the regulator would have a statutory duty to promote, so far as is reasonably possible, competition when performing its functions. This also aligns with the [CMA's provisional decision reports](#).

There would be the option for professional leadership of the veterinary professions to continue, either under the regulator or a separate body. If professional leadership is separated from the regulator, the primary objectives of a professional leadership body would be determined by the organisation itself and would likely include:

- supporting the profession and professional development of specialisms; and
- promoting professional excellence.

#### **4.3.2 Powers**

The powers set out in previous chapters, such as licensing, fitness to practise, veterinary/animal healthcare business regulation, and powers of entry, are consistent with best practice for regulators in the UK. Key to using these will be the power for the regulator to set rules and guidance on the implementation of their statutory duties. There would be a requirement for the regulator to consult, either publicly or with the professions and/or relevant stakeholders, on any new rules they propose. They will be required to demonstrate how they have incorporated guidance and consultation outcomes in their annual reports, as well as how these reports align with their regulatory duties and objectives.

These reforms propose mandatory annual reporting to Parliament and Devolved Governments to ensure transparency and accountability. This would include a requirement to report on the powers that are used and explain why they are used.

There is the option to have an external oversight, through an organisation that conducts similar activities to the [Professional Standards Authority \(PSA\)](#), who will oversee the regulator to ensure that they are using their powers effectively and appropriately, ensuring transparency and public protection, and aligning practices across regulators where appropriate. This body would expect the regulator to explain how they used their

powers to make or amend rules, how public and animal protection was prioritised, and how feedback from consultations influenced final decisions.

A full list of the proposed duties and powers of the regulator, including a comparison with the current duties and powers can be found in Annex 5.3.

### **4.3.3 Decision making**

Having clear processes for decision making is an important part of the governance of any organisation.

The ultimate decision making powers of the regulator would sit with a Board, which will be made up of up to twelve people. As per best practice for demonstrating independence from the profession and the regulators, there would be equal membership of veterinary professionals and non-veterinary professionals (lay parity), and appointment to the Board of the professional members would be based on experience and expertise, i.e. merit-based instead of the current elected model. All members of the Board should be without conflicts of interest.

A Board of twelve members is currently considered best practice by other professional regulators. If consideration of best practice changes in the future, secondary legislation would be required to change the size and composition of the Board.

The Board would remain ultimately responsible for the actions of the regulator and accountable for decisions, but where appropriate, they should be able to delegate day-to-day operations to its Committees, who in turn would report back into the Board. Committee members would also be appointed by the Board. There would be lay parity.

All professions that are regulated (veterinary surgeons, veterinary nurses, and allied veterinary professionals) would have the opportunity to be appointed to the Boards and Committees. To ensure the right skillsets, appointments could be based on experience (including regulatory, educational, clinical), areas of expertise (including public health, companion animal, farm, equine – in line with a One Health approach), and geography (the four constituent parts of the UK). This could mean that there is not parity or proportional representation of all the professions on the Board or Committee at any one time.

Appointments are important for ensuring that the right people are in the right roles. Elections, which the process currently uses, can lead to there being a skills gap.

### **4.3.4 Funding**

The regulator should produce a corporate strategy and expenditure plan, which would be updated and consulted on every three to five years, in line with regulatory norms. The regulator would then have the power to raise its fees when necessary to recover the full cost of activities that have been set out in the strategy.

The fees should be clear and easy to understand, with clear detail on spending in the annual reports. All fees should be set on a cost recovery basis, with the regulation of veterinary/animal healthcare businesses being funded through business licences, and the regulation of individual professionals being funded by individual licensing fees.

Changes to fees would not require Privy Council or government approval. The regulator, however, would be required to:

- consult publicly on its corporate strategy and expenditure plans every three to five years;
- explain the rationale for fee changes (including cost drivers and cross-subsidies);
- publish a costed corporate plan outlining how fees would be used to meet statutory objectives.

While the oversight body would not approve fees, it will review whether the regulator operates with economic efficiency and effectiveness, and whether its fee setting is transparent and fair.

#### **4.3.5 Appointments**

The regulator would run the recruitment and selection process for senior appointments to the Board and would recommend candidates to the Privy Council for appointment. The oversight body would not appoint individuals but would review and scrutinise the regulator's appointment process to ensure it meets the standards of merit, fairness, transparency and public confidence. This body would advise the Privy Council on whether it can have confidence in the integrity of the process, but not candidate suitability.

#### **4.3.6 Setting direction**

A revised legislative framework would enable the Defra Secretary of State to provide legally binding steers to the regulator supporting them to, where appropriate, take account of government priorities, manage competing priorities and exercise discretion. Such steers would be timely and take account of regulatory planning cycles whilst supporting independence in regulator decision making. The regulator would also be able to request a steer from the Secretary of State if it deems this necessary.

#### **4.3.7 Accountability**

Under these proposals, the regulator would be formally required to submit an Annual Report and Accounts to the UK and devolved governments. The regulator would be subject to Parliamentary scrutiny and accountability hearings at the Environment, Food and Rural Affairs Committee (EfraCom), allowing MPs to question the regulator's leaders on performance, complaints, and its activities. This would include reviewing how the policy is practically applied, statistics on fitness to practise cases and enforced

powers of entry, the registrar's use of discretion in the licence to practise and fitness to practise processes, and analysis of the outcomes of any enforcement action.

The proposed reform includes oversight of the regulator from a body like the PSA. This body would assess performance, conduct audits, and scrutinise decisions. It would review the regulator's performance annually and report to Parliament.

#### **4.3.8 Statutory appeals**

In any regulatory process, it is important that there is the opportunity to appeal decisions made by the regulator. Two main options are under consideration as to which part of His Majesty's Courts and Tribunals Service (HMCTS) should hear appeals against decisions made by the regulator: (a) a regulatory tribunal, such as the First-tier Tribunal (General Regulatory Chamber); or (b) the High Court.

A tribunal route would generally offer a more accessible process, active case management, and the ability to consider the case on its merits (meaning on the strength of the facts and evidence and whether the outcome is appropriate given the facts), including new evidence where appropriate. Costs are usually limited, and decisions can be remade or sent back.

By contrast, a High Court route would normally involve an appeal on a point of law (meaning on legal principle, so whether the correct legal rules and procedures have been followed when making a decision), with more formal procedures, higher costs exposure, and judgments that set binding precedent.

The choice of jurisdiction also affects the standard of appeal (full merits or point of law) and the remedies available.

#### **4.3.9 Post nominals**

Currently, only veterinary surgeons who are registered with the regulator can use 'MRCVS' (Member of the Royal College of Veterinary Surgeons) after their names. Changing this to open up "membership" to all professionals would require an update to the regulator's Royal Charter. Assuming this regulator was called 'The Royal College of Veterinary Services', these could be:

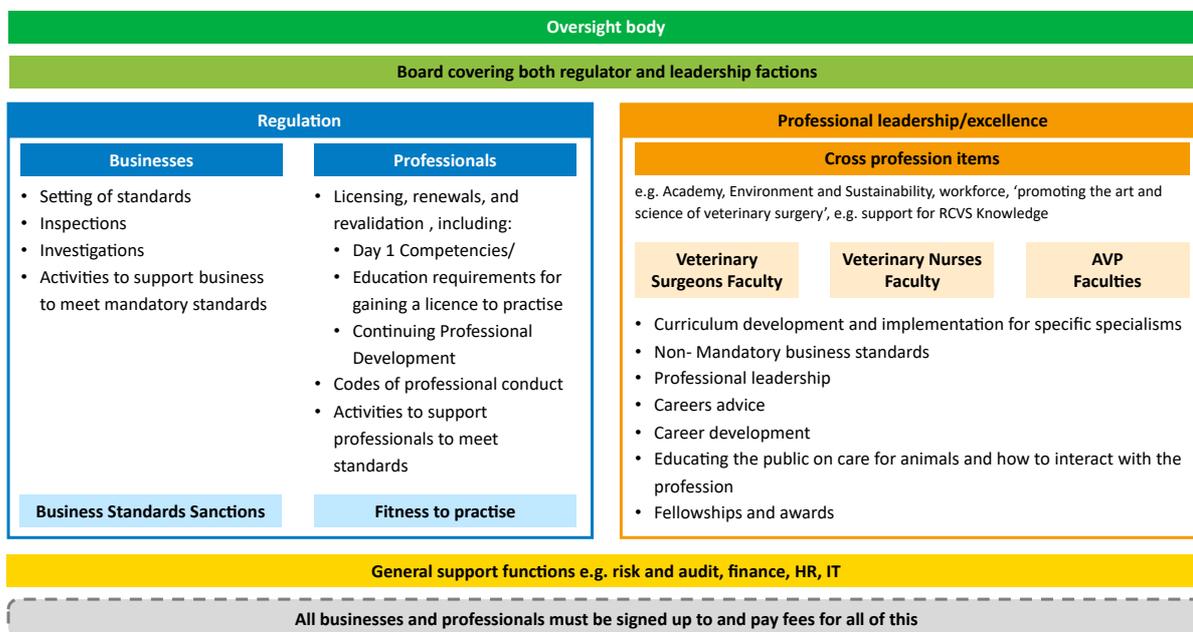
- MRCVS (Veterinary Surgeon), MRCVS (Veterinary Nurse), MRCVS (Allied Veterinary Professional)

OR there could be individual post-nominals for the different groups of professionals:

- RVS: for Registered Veterinary Surgeons
- RVN: for Registered Veterinary Nurse
- RAVP: for Registered Allied Veterinary Professional

These post-nominals would only be permitted by those who hold a licence to practise; however, additional post-nominals could be created for those with alumni status under the regulator’s Royal Charter powers.

#### 4.3.10 Proposed structure – maintain one organisation that completes the regulatory and professional leadership activities



An illustrative example where regulation and profession leadership, supported by profession-specific faculties, is carried out by the same body.

As set out above, the proposed objectives of a single regulatory and professional leadership organisation would be:

- To protect, promote and maintain the health and welfare of animals and the public
- To promote and protect public confidence in the veterinary professions and businesses
- To promote and maintain proper professional standards and conduct for members of those professions and businesses
- To protect consumers (a consumer duty), where this does not contradict animal welfare requirements
- To ensure fair competition within the market (a competition duty)
- To support the profession and professional development of specialisms
- To promote professional excellence

#### Indicative split:

There would need to be clearly defined roles for both the regulatory and professional leadership arms of the organisation, to ensure there is no a conflict of interest.

### Regulator arm:

This would include relevant Committees responsible for setting and upholding the professional standards of veterinary professionals and businesses.

The responsibilities of this arm could include:

- Professionals
  - Licensing, renewals and revalidation, including:
    - Education requirements for gaining a licence to practise
    - Continuing Professional Development
    - Day One Competencies
  - Codes of professional conduct
  - Activities to support professionals to meet standards
  - Fitness to practise
- Veterinary/animal healthcare businesses
  - Licensing, including setting of standards
  - Inspections
  - Investigations
  - Sanctions
  - Activities to support practices to meet mandatory standards

The only committees proposed to be defined in potential primary legislation are the professional Fitness to Practise Committee and the Business Standards Sanctions Committee, who should be permitted to make decisions with autonomy. They would be expected to produce reports on their processes and outcomes to the Board.

### Professional leadership arm:

The professional leadership arm would be responsible for advancing veterinary professionals, as well as promoting and enhancing the art and science of veterinary surgery. All those who are regulated would have access to the professional leadership activities.

This element would have different faculties (Faculty of Veterinary Surgery, Faculty of Veterinary Nursing, Faculties of Allied Veterinary Professionals).

The responsibilities of this arm could include:

- Cross-profession activities, such as: Academy, environment and sustainability, workforce, 'promoting the art and science of veterinary surgery', support for RCVS Knowledge
- Curriculum development and implementation for specific specialisms
- Non-mandatory veterinary business/animal healthcare standards
- Professional leadership
- Careers advice

- Career development
- Educating the public on care for animals and how to interact with the professions
- Fellowships and awards

## **Organisational structure**

The organisation would have two distinct arms, both requiring distinct skillsets. The members of the Committees of each arm would be different, in order to provide clarity to the public and professionals. Both arms would be overseen by the Board. The Board would oversee any formal communications between the arms and decide where working together is beneficial.

As noted above, the whole organisation would be overseen by an oversight body, be accountable to Parliament and the Devolved Governments, and subject to steers from Defra Secretary of State. This would include monitoring and reporting of both the regulatory and professional leadership arms.

Licensed professionals and businesses would pay a single fee to the body; this would be made up of money that is allocated for regulatory activities, and money available for professional leadership activities. All aspects of this fee would need to link to the regulator's corporate strategy. The part of the fee relating to regulatory activities should be set according to what the regulator needs to do to fulfil its statutory duties. The part of the fee relating to professional leadership should be set according to the corporate strategy and in consultation with the professions.

There should be clear allocation of funding to ensure that all regulatory activities can take place. Money allocated to the regulatory arm should not be used by the professional leadership arm. This is important to ensure that regulatory activity cannot be underfunded. Should this be allowed to happen, it could be at the expense of animal health and welfare and consumers. The professional leadership arm would be bound by the same rules regarding raising funds as a regulator (as they are the same organisation), so would only receive funding from licensing fees or under the Royal Charter's fee raising powers.

This option preserves the regulator maintaining a Royal Charter. The Royal Charter can be updated through a formal petition by the organisation to the Privy Council. As a general rule, Royal Charters can be updated more regularly than primary legislation, meaning that they can be powerful tools for ensuring flexibility.

## **Post nominals**

As noted above, all licensed professionals would have the opportunity to use reformed post-nominals, set under the regulator's Royal Charter powers.

## **Benefits and risks**

## Benefits

- All aspects of regulation, education, and support for the professions in the public interest being under one roof, avoiding duplication of work;
- Alignment with the shift to all veterinary professionals being part of a wider veterinary team:
  - Enables greater oversight of the whole veterinary team, ensuring there is a consistent and cohesive strategy for protecting the public and consumers, upholding high standards of animal health and welfare, and maintaining public confidence in the professions;
- Maintaining the Royal Charter, which could be needed for flexibility in the future:
  - Note that the aim would be to make any new legislation as flexible as possible, so it is not known how much the flexibility of a Royal Charter will be needed;
- Increased clarity over functions, but not as much as splitting the professional leadership functions from regulator;
- Post-nominals could be maintained, albeit they may need to be changed to reflect an expanded range of professions that will become “members” of the single regulatory and professional leadership organisation. This would require an update to the Royal Charter; and
- Does not involve setting up a new regulator:
  - Aligns with government ambition to reduce and simplify regulation.
  - Would not incur start-up costs or ongoing costs of a new regulator; would either use the reserves of the existing regulator, which would need to be paid back through future licensing fees, or other revenue streams may be added.
  - Skills, expertise, knowledge, reputation and public awareness of the existing regulator can be carried forward.

## Risks

- This is a large portfolio of work for one organisation:
  - Every regulated profession would require their own Day One Competencies, qualifications, codes of professional conduct etc.
  - The additional regulation of business and premises is a significant increase in responsibility;
  - The number of AVPs being regulated would increase over time;
- Potential confusion for the public and professions about the role of the organisation with less transparency of function than if it were two separate organisations; and
- Royal College activities, such as RCVS Knowledge, could continue to be constrained by the fact that the professional leadership arm is integrated with the regulator.

#### 4.3.11 Alternative structure – Separating the professional leadership functions from the regulator:



Government's priority remains to reduce the regulatory burden on businesses and individuals in the UK. This, however, needs to be balanced with the needs of the profession, animals and their owners. The CMA, in its [provisional decision report](#), has highlighted that maintaining the current regulatory structure may work; however, they note that there should be an alternative if this puts operational principles at risk or becomes too complex. As such, the second option, which could be implemented immediately or in the future, proposes streamlining the regulator. The regulator would be solely responsible for regulatory activities set out in this consultation. The veterinary professions could then choose to have a professional leadership organisation or organisations, if they felt it was necessary. Gaining a licence from the regulator would be a requirement for anyone wishing to practise, whereas joining a professional leadership body would be a choice for individuals to make.

#### Organisational structure

As set out above, objectives of the regulatory body would be:

- To protect, promote and maintain the health and welfare of animals and the public
- To promote and protect public confidence in the veterinary professions and businesses
- To promote and maintain proper professional standards and conduct for members of those professions and businesses
- To protect consumers (a consumer duty), where this does not contradict animal welfare requirements
- To ensure fair competition within the market (a competition duty)

The regulator would be responsible for delivering all aspects of regulation. This would include relevant Committees, responsible for:

- Professionals
  - Licensing, renewals and revalidation, including:
    - Education requirements for gaining a licence to practise
    - Continuing Professional Development
    - Day One Competencies
  - Codes of professional conduct
  - Activities to support professionals to meet standards
  - Fitness to practise
- Veterinary/animal healthcare businesses
  - Licensing, including setting of standards
  - Inspections
  - Investigations
  - Sanctions
  - Activities to support practices to meet mandatory standards

As above, the only committees proposed to be defined in potential primary legislation are the professional Fitness to Practise Committee and the Business Standards Sanctions Committee, who should be permitted to make decisions with autonomy. They would be expected to produce reports on their processes and outcomes to the Board.

The organisation would be overseen by the oversight body, be accountable to Parliament and the Devolved Government, and subject to steers from Defra's Secretary of State.

The professions would decide what they wanted to do with the professional leadership aspect. This might be one professional leadership organisation for all professions, or multiple organisations delivering professional leadership roles for each of the veterinary professions. This could be a new organisation or organisations, or the role could be given to existing organisations. These could be societies, associations, or colleges, but they would need to be granted a Royal Charter in order to be considered Royal Colleges. The regulator would remain the only statutorily underpinned organisation

There would be a statutory requirement for the regulator to communicate with the professional leadership organisation (as part of its consultation with all relevant stakeholders) to ensure that it works with the profession, but it would not need to follow everything it says. The scope of the work completed by a professional leadership organisation, or other non-regulatory organisation, would be for that organisation and professions to determine.

Each organisation would have its own fee structure. The fee payable to the regulator would be aligned to the regulator's corporate strategy, conform to the principles of cost recovery, and would not need to be consulted on. This fee would need to be paid for

anyone wishing to practise in their profession. The fee payable to the professional leadership organisation would be for it to set, but individual professionals would then be able to choose whether they joined this.

## **Post nominals**

As noted above, post-nominals would be available to all licensed professionals. If an additional professional leadership body (or bodies) is created, these may award their members additional post-nominals, should they choose.

## **Benefits and risks**

### Benefits

- Improved clarity on roles and responsibilities across the regulator and the professional leadership organisation, both for the public and professionals;
- Ability for the professions to decide on whether they want to continue with a professional leadership organisation, or for each profession to have its own professional leadership body:
  - The professions would then have greater influence over these activities;
  - Individual professionals could decide whether they wanted to pay for membership;
- Post-nominals could be maintained, albeit they may need to be changed to reflect an expanded range of professions that would become “members” of the Royal College that regulates. This would require an update to the Royal Charter
- Less risk of a single organisation becoming too large and unwieldy;
- Potential for the professional leadership organisation to complete more activities, when not needing to also be the regulator; and
- There would be a clear division of responsibilities, as the regulator’s main objective would be to protect animals and public health and welfare, whereas the main objective of the professional leadership organisation would be to promote professional leadership.

### Risks

- Costs:
  - Ongoing increased costs due to some duplication of effort, including different offices, different leadership teams etc.
- There could be a lack of engagement between the regulator and the professions:
  - This could lead to a perception that the voice of the professionals is being lost; and
- If the professions elected to not have a professional leadership body, some of the activities currently completed by the RCVS, such as career development and non-mandatory business standards, may be lost.

#### **4.4 How these proposals achieve stated objectives**

A strong governance structure is key for the success of any regulation; without this, it would be hard for the regulator to protect the public and consumers, maintain high standards of animal health and welfare, and uphold the public trust and reputation of the professions. Clarity of functions of the regulator is key to maintaining public and professionals' confidence in the veterinary professions and associated businesses. This is further supported by the use of oversight from the Privy Council, EfraCom, Devolved Governments, and Defra Secretary of State. Oversight would support the regulator to meet its statutory duties and provide assurances about those duties to the public. This oversight would also ensure that the economic/business regulatory aspects of proposed reformed legislation are aligned with government priorities, as set out in the HM Treasury's [Regulation Action Plan](#).

## 4.5 Governance questions

**GovQ1. Which of the two illustrative options do you believe would most effectively serve the veterinary sector in the future?**

Please select one option only

- 1. Regulator with professional leadership function:** This would retain the regulator with the professional leadership function as a single entity, but an internal divide between the regulator and leadership functions overseen by an overall Board.
- 2. Splitting professional leadership functions from the regulator:** This option would mean retaining the regulator to complete all the statutory requirements set out in this consultation, with the option for professions to set up an organisation/organisations to complete professional leadership functions.
- Neither of these
- Don't know

**GovQ2a. What, if any, benefits do you believe maintaining a single body, including regulator and professional leadership factions, would bring to the veterinary profession?**

Please select all that apply

- Clear lines of communication between the regulator and the professional leadership of the veterinary professions
- Not having the cost of setting up a new organisation
- Efficiency of regulation and professional leadership taking place within one organisation
- Increased clarity and transparency of regulatory and professional leadership functions of the for the public and the professions
- Maintaining a system that the public and professions are used to
- Keeping post-nominals (albeit reformed) for veterinary professionals
- Maintaining the Royal Charter
- Other benefits (Please write in)
- No benefits
- Don't know

Please write in the box below



**GovQ2b What, if any, benefits do you believe a proposed Split Model with a separate new professional leadership body would bring to the veterinary profession?**

Please select all that apply

- Clearly defined roles for the regulator and professional leadership factions as an independent body/bodies
- Ability for professionals to decide what (if anything) they want from a professional leadership body
- Improved flexibility for professional leadership body activities that are not constrained by being tied to a regulator
- Not having the potential for those in the professional leadership body to have influence on the regulator and vice versa
- Modern technology means communication between two bodies is not really affected
- Keeping organisations lean and streamlined
- Other benefits (Please write in)
- No benefits
- Don't know

Please write in the box below

**GovQ3 Do you believe there are any risks with a single body having both regulator and professional leadership functions?**

Please write in the box below

**GovQ3b How could any of the risks you have identified be mitigated?**

Please write in the box below

**GovQ4. Do you believe there are any risks with the proposed Split Model with a separate new professional leadership body?**

Please write in the box below

**GovQ4b. How could any of the risks you have identified be mitigated?**

Please write in the box below

**GovQ5. To what extent are each of the following important, or not, as primary objectives of the regulator to ensure effective Regulation?**

Please select one option only for each

**a. Protecting animal health and welfare**

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**b. Promoting public confidence**

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**c. Maintaining professional standards**

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**d. Protecting consumers**

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**e. Ensuring fair competition**

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**GovQ6. To what extent is a professional leadership body important?**

Please select one option only

- Very important
- Fairly important
- Neither important nor not important
- Not very important
- Not at all important
- Don't know

**GovQ7. Which, if any of the following, do you consider to be the primary functions of a professional leadership body?**

Please select all that apply

- Establish specialist-specific standards above the mandatory level for specialisms
- Profession-specific guides on activities and conduct, based on the overarching codes of conduct set by committees
- Professional leadership, driving their profession to be the best it can be
- Educating the public on care for animals and how to interact with the profession
- Other function (Please write in)
- None of these
- Don't know

Please write in the box below

**GovQ8. Which of the following, if any, should be prioritised when appointing individuals to Boards and Committees of the regulator?**

Please select all that apply

- Area(s) of expertise (for example, public health, equine, small animal)
- Regulatory or educational experience
- Geographic representation (across the UK)
- Professional background (Veterinary Surgeon, Registered Veterinary Nurse, Allied Veterinary Professional)
- Lay parity (this means there would be equal numbers of veterinary professionals and those without veterinary qualifications on the Board)
- Spectrum of skills
- Other (Please write in)
- None of these
- Don't know

Please write in the box below

**GovQ9. To what extent is independent oversight of the regulator important or not in relation to the following aspects?**

Please select one option only for each

**a. Appointment processes for the Board**

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**b. Fitness to practise cases**

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**c. Overall performance**

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**GovQ10. The regulator is responsible for setting fees for veterinary professionals' licences. Which, if any, of the following aspects related to fee setting for veterinary professionals' licences should the regulator consult on?**

Please select all that apply

- Fee levels: the proposed fee amounts to ensure they are fair and justified
- Economic impact: to gather feedback on how the proposed fees might affect veterinary businesses financially
- Service feedback: to ask for opinions on the quality and scope of the services that the fees will support
- Cost allocations and priorities: to engage veterinary professionals on how funds from fees should be used for different regulatory activities
- Regulatory changes and requirements: to update and consult on any legal or procedural changes impacting fees and licensing
- Stakeholder needs and expectations: to understand the needs and expectations of veterinary professionals regarding regulatory practices
- Other (Please specify)
- None of these

Don't know

Please write in the box below

**GovQ11. How important, or not, is it for veterinary professionals to have post-nominals (as well as a licensing number from the regulator)?**

Please select one option only

- Very important
- Fairly important
- Not very important
- Not at all important
- Don't know

**GovQ12. Which approach to post-nominals do you prefer for veterinary professionals?**

Please select one option only

- Unified post-nominals related to the regulator stating the person's profession (for example, MRCVS (Veterinary Surgeon), MRCVS (Veterinary Nurse) MRCVS (Allied Veterinary Professional))
- Profession-specific post-nominals (for example, RVS (Registered Veterinary Surgeon), RVN (Registered Veterinary Nurse), RAVP (Registered Allied Veterinary Professional))
- Other (please specify)
- No post-nominals
- Don't know

Please write in the box below

**GovQ13. Which part of His Majesty's Courts and Tribunals Service should hear statutory appeals: a regulatory tribunal (such as the First-tier Tribunal) or the High Court?**

Please select one option only

- Regulatory tribunal
- High Court
- Other (Please specify)
- None of these
- Don't know

Please write in the box below

**GovQ14. Should appeals be on a full merits basis (decided on the facts and merits of the entire case, not just on a specific point of law), on points of law only, or a combination?**

Please select one option only

- Full merits basis
- On points of law only
- A combination of the above
- Don't know

**GovQ15. Do you have any comments you wish to make about governance?**

Please write in the box below

## 5 Overall impact questions

**OIQ1. Do you agree or disagree with the proposed reform of the Veterinary Surgeons Act (1966), and why?**

- Agree
- Disagree

Please write in the box below

**OIQ2. Do you have any additional points to raise regarding the proposals that you have not yet had the chance to express in this consultation?**

Please write in the box below

**This question is optional. By monitoring the answers you provide, we can ensure that we do not discriminate against anyone with a protected characteristic as defined in the Equality Act 2010.**

**OIQ3. The Equality Act 2010 protects people against discrimination based on nine protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.**

**Do you think that the proposed reform of the Veterinary Surgeons Act (1966) will discriminate against or benefit those with protected characteristics?**

[Please write in the box below.](#)

Thank you for taking part in this consultation.

# 6 Annexes

## 6.1 Video script: licence to practise

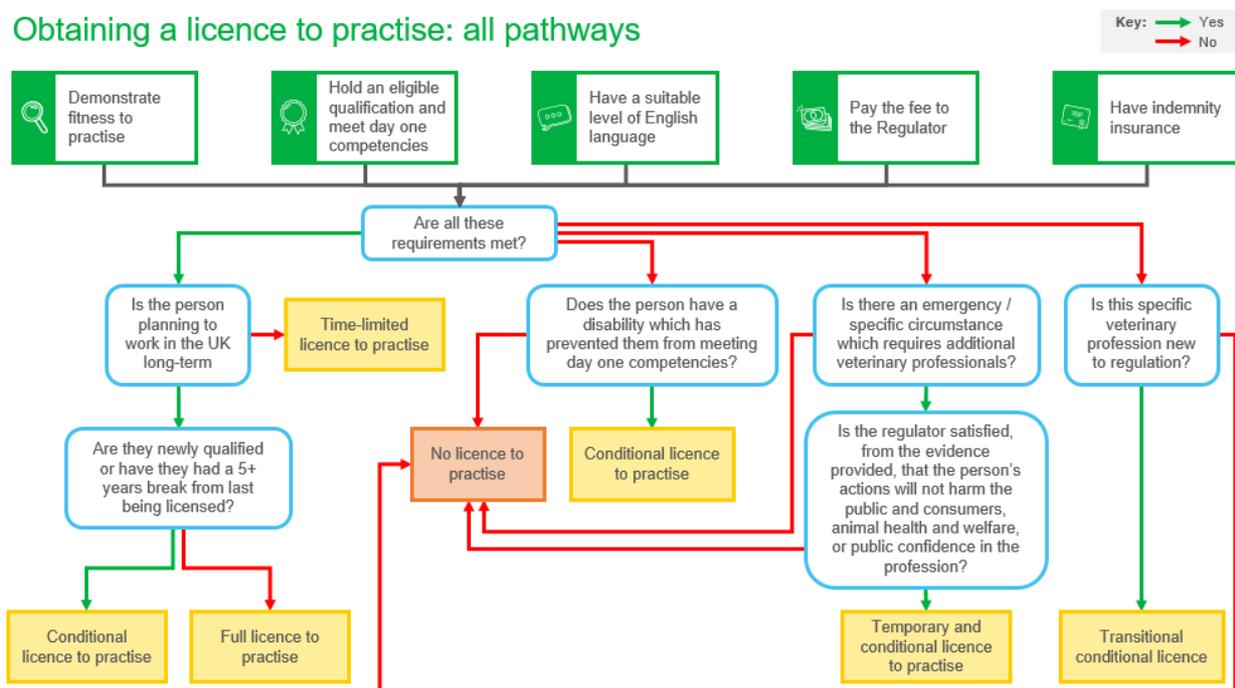
### Introduction

A licence to practise scheme is a regulatory framework used in the UK to ensure that professionals in certain fields are legally authorised and competent to carry out specific activities. It is important for protecting the public, providing a mechanism for ongoing oversight by a regulator, and helps employers and consumers to verify if professionals are legally authorised to work.

Currently only veterinary surgeons are permitted to carry out acts of veterinary surgery unless there is a specific exemption put in place. This places a lot of pressure on veterinary surgeons rather than using the full breadth of expertise available from within the broader veterinary team

The proposed way forward is that anyone who is conducting veterinary acts will need a licence to practise unless there is an exemption in place. It will be a criminal offense, resulting in a fine and/or prison sentence, for anyone to carry out a veterinary act without holding the relevant licence to practise.

### Obtaining a licence to practise: all pathways



There are five steps that applicants must meet to apply for a licence to practise. They must:

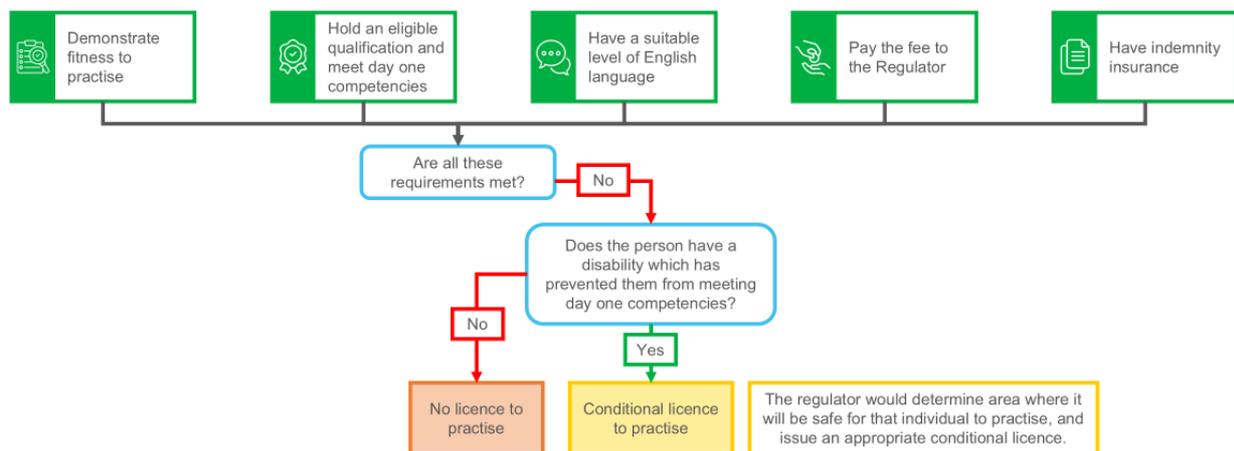
1. Demonstrate that they are fit to practise – self declaration of skills, character, health, and any criminal convictions.

2. Hold an eligible qualification – This will include regulator approved University degrees, diplomas, courses and other qualifications, and will be used as evidence that the individual can meet their Day One Competencies
3. Have a suitable level of English language – this will be assumed to be the case if the person is fluent in English/it is their native language, or they studied for their qualification in English. If these are not the case, the regulator will define the level of English language required, based on the profession.
4. Pay a fee to the regulator.
5. Have the minimum required level of indemnity insurance.

What happens next following the application process?

- The regulator will assess the application and if approved the applicant will receive a full licence to practise for their specific profession.
- If the applicant does not meet the requirements that are required to gain a licence, then their application is not approved.
- Except for the following circumstances

### Conditional licence to practise (disability)

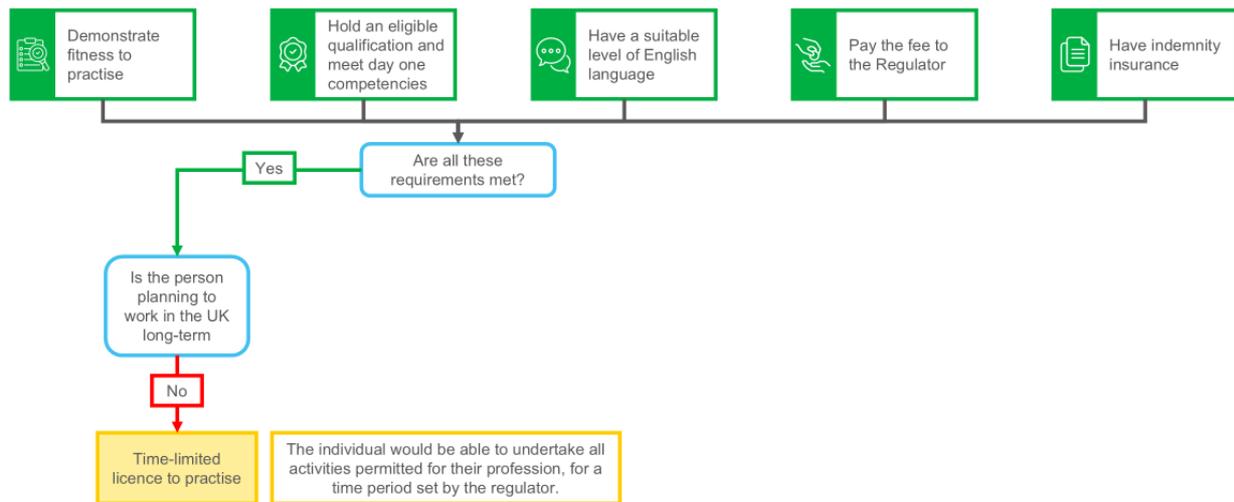


In order to comply with the [Equality Act 2010](#), an individual who is not able to demonstrate all of the day-one competencies due to a disability or long-term health condition, even with reasonable adjustment to assessment methods, may still be given a licence to practise under certain conditions.

The regulator would determine the areas in which it will be safe for that individual to practise, and issue an appropriate conditional licence.

These conditions would remain on the professional's licence (unless they are subsequently able to demonstrate all day-one competencies as assessed by a regulator-accredited qualification provider).

## Conditional licence to practise (time-limited)

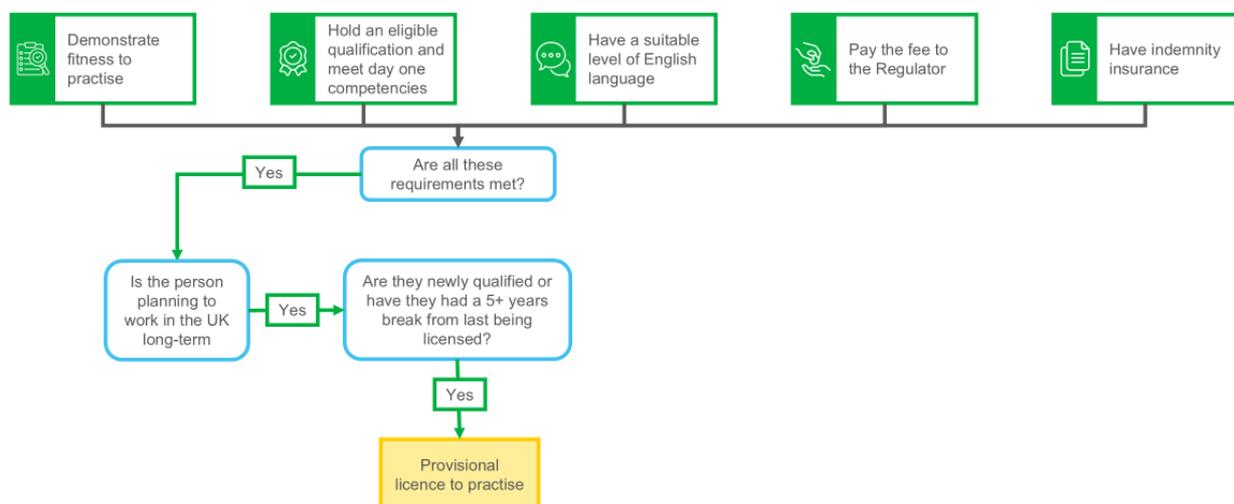


Where someone is looking to work as a veterinary professional in the UK for a limited timeframe, such as if they are part of a delegation from an international equestrian team, then a time limited licence to practise could be issued.

The individual would be able to undertake all activities permitted for their profession, for a time period set by the regulator.

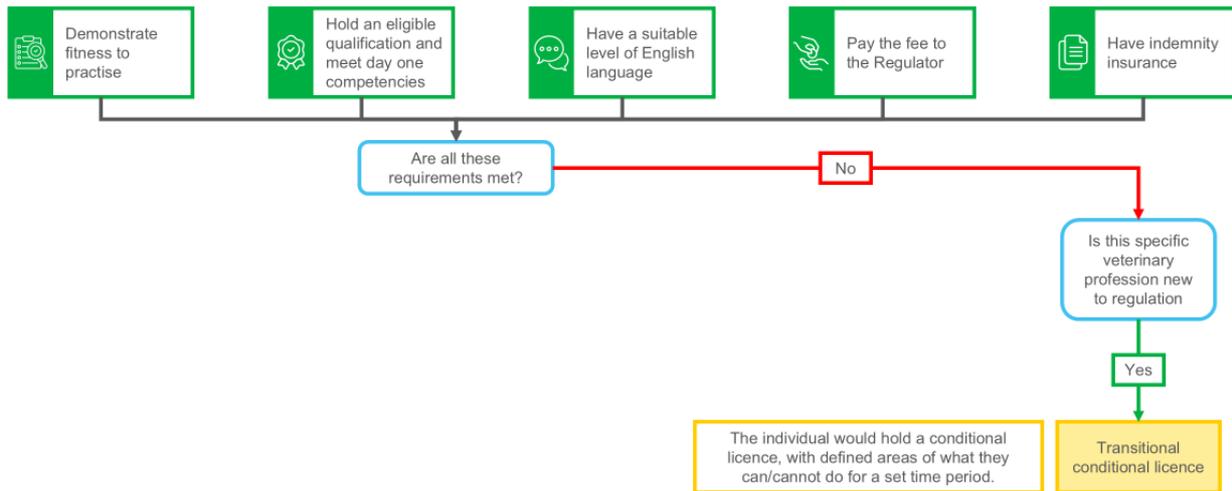
The process completed would be the same as for a full licence to practise

## Conditional licence to practise (newly licensed conditions)



A professional gaining their first licence to practise, or if they have had a break of 5+ years since they previously held a licence to practise, would have newly licensed conditions. These could include requirements similar to VetGDP or VNGDP.

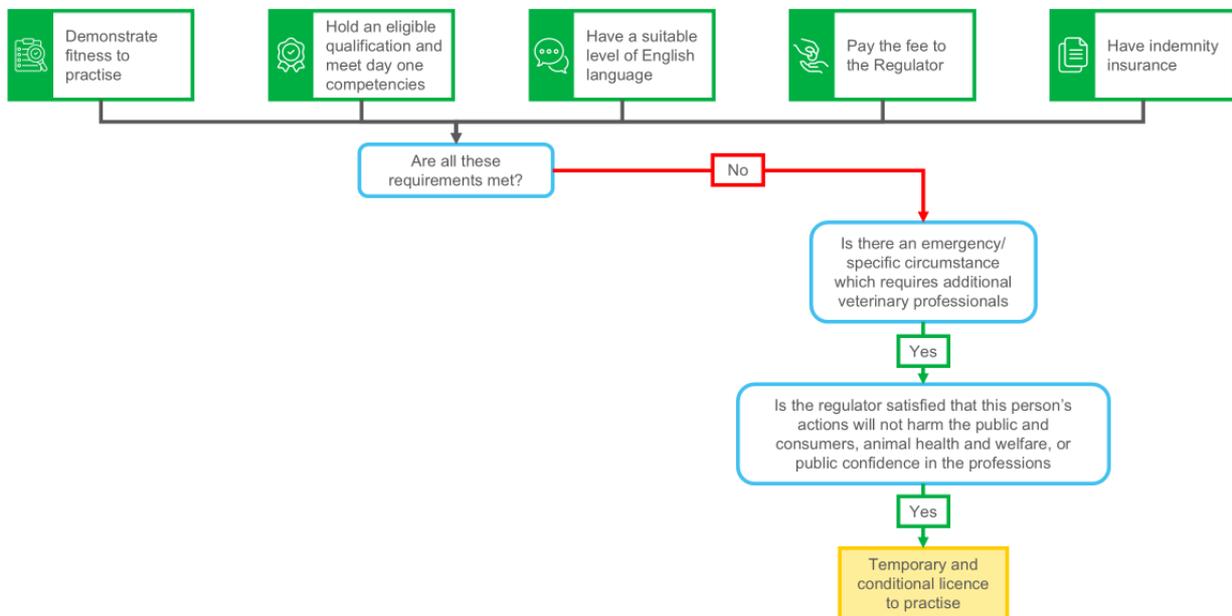
## Conditional licence to practise (transitional arrangements)



When a new profession is being brought into regulation, there may be a conditional licence due to transitional arrangements.

In this instance someone with a legacy qualification would hold a conditional licence which would define what they can or cannot do for a set time period. Once that time period is up, they would need to meet the regulator's qualification requirements for the profession in order to maintain their licence to practise.

## Temporary and conditional licence to practise



In exceptional or emergency circumstances, the requirements for gaining a licence to practise could be altered to allow people to practise in specific scenarios

## 6.2 Video script: fitness to practise

### Introduction

The fitness to practise process is not about punishing individuals. It is about protecting the public and animals by making sure that professionals are currently fit to carry out their roles. If there is concern about a professional's ability to carry out their role then a concern can be raised with the regulator which then kickstarts the fitness to practise process.

This process is built on the principles of;

- fairness – treating professionals with respect and impartiality.
- transparency – ensuring decisions are clear and evidence-based.
- proportionality – responding appropriately to the level of concern.

In assessing a case, the central question will always be whether current impairment can be established on the balance of probabilities—the standard of proof in regulatory proceedings. If, at any stage, it becomes clear that this threshold cannot be met, or there is little evidence of a current impairment, the case is closed.

The term 'current impairment' refers to whether a professional is fit to work in their role. Current impairment can be;

- serious professional misconduct; when someone does something which goes against the Regulator's Code of Professional Conduct,
- professional performance is seriously below what is expected,
- committing a serious criminal offence which means they are unfit to work in their profession, or
- a physical or mental health condition (including substance abuse/alcoholism) or disability where the professional continues working in areas where they can no longer work safely and competently with reasonable adjustments in place.

### Overview of the fitness to practise stages

Anyone can raise a concern to the regulatory body. Once this concern has been submitted to the regulator it will start the fitness to practise process.

The fitness to practise process consists of three key stages:

1. Triage Assessment
2. Case Examiner Review
3. Tribunal Hearing

Finally, if they feel necessary, the professionals can challenge decisions to ensure fairness and accountability.

## Triage stage

Anyone can raise a concern about a veterinary professional's performance, behaviour, or their ability to practise safely with the regulator.

Once this concern arrives with the regulator, the triage stage begins.

Here, the regulator asks: Does this concern suggest a likely case of current impairment?

They consider:

- the seriousness of the issue.
- whether it involves a breach of professional standards.
- whether the concern falls within the regulator's remit.

If a concern is not serious enough, falls outside the regulator's scope, or does not appear to relate to a likely current impairment being present, the case is closed.

This triage stage plays a crucial role in ensuring that regulatory resources are directed appropriately by swiftly assessing the information provided and focusing attention on cases warranting further scrutiny.

## Case examiner stage

If there is the potential for current impairment being present, the case moves to the Case Examiner stage.

The case examiners ask all involved to submit further evidence, if required. The case examiners then conduct a thorough review of all available evidence. This may include:

- witness statements
- veterinary medical records from the animal or animals relating to the concern
- professional conduct reports
- statements from any professionals involved, and, if relevant,
- medical evidence can also be presented. This may be from their medical records, letters from the health professionals or following an assessment from an independent medical professional.

If the case examiners find no current impairment, the case is closed. If it is found that there has been some unacceptable actions or behaviour, the regulator may record them in the professional's file, where it could be used as evidence in a future case.

If impairment has been agreed, Case Examiners seek to agree an appropriate sanction with the licensed professional. Sanctions are not intended to be punitive; rather, aim to protect the public, safeguard animal health and welfare, and uphold the reputation of the profession. In line with these objectives, Case Examiners must consider the full range of sanctions necessary to achieve adequate public protection, while ensuring they have the

least impact on the professional's ability to safely work in their field, when appropriate. Sanctions may include:

- having conditions placed on their licence to limit what they can do to ensure they can safely work (for example, not being able to work alone, or not being able to physically work with large animals, usually due to health reasons)
- temporary actions (known as undertakings, which are a formal, written and signed, promise) under which a professional must practice, such as supervision, gaining mentoring, and undergoing additional training.
- requirements to provide blood, urine or hair samples to test for substances
- suspension of their license from the register
- permanent Removal of their license to practise.

Importantly, Case Examiners can only give out sanctions that the professional agrees to. If agreement is reached, the case does not go to tribunal.

### Tribunal stage

If no agreement can be reached, the case proceeds to a Fitness to Practise Tribunal.

This is a formal hearing conducted by an independent panel which ensures that cases are examined thoroughly and fairly.

The tribunal follows a structured process:

1. fact-finding – are the allegations proven based on the evidence?
2. impairment assessment – is the professional's fitness to practise currently impaired?
3. sanction decision – what action, if any, is necessary to protect the public, safeguard animal health and welfare, and uphold the reputation of the profession?

Tribunal hearings may involve:

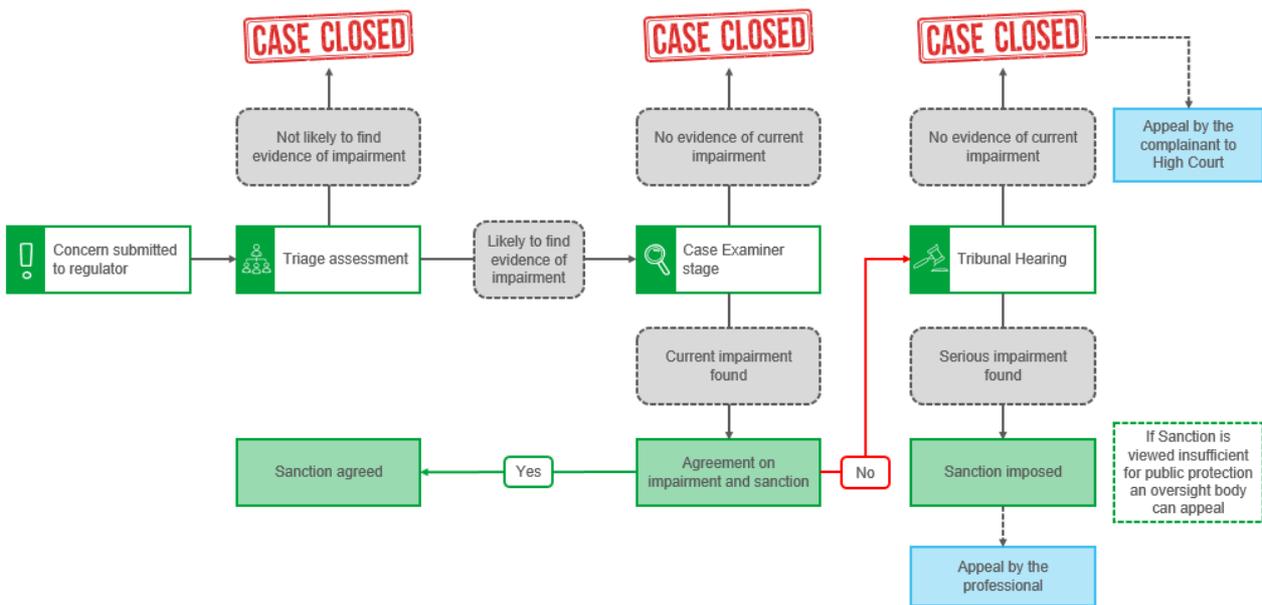
- presentation of evidence
- witness testimony and cross-examination
- legal submissions from both sides

Unless there is a compelling reason, tribunals and their outcomes will be a matter of public record, to ensure clarity for the public and maintain public confidence in the regulator.

For a tribunal to place a sanction on a professional it must be found, on the balance of probabilities, that a current impairment is present. If none is found, the case will be dropped.

Unlike Case Examiners, if it is found that a current impairment is present, the tribunal can impose sanctions even if the professional disagrees.

## Fitness to Practice



## Appeals

Appeals are a vital safeguard in the fitness to practise process.

They are an integral part of the fitness to practise process, providing professionals with the opportunity to challenge decisions. Grounds for appeal may include:

- new evidence that wasn't available earlier
- procedural errors or unfair treatment

Disagreement with the outcome or sanction alone is NOT a grounds for appeal

An appeal against a tribunal decision by the professional will be made to the High Court.

Appeals ensure that the process remains accountable, fair, and open to correction. They are an essential part of maintaining trust in the regulatory system.

There may be an oversight body which would look over the tribunal decisions, along with the running of the regulator. If this body feels that a sanction is "insufficient to protect the public" (i.e. it is not severe enough) then they can ask for the case to be reviewed.

### 6.3 Duties and powers

Area	Current duties	Proposed objectives and duties	Associated powers
<b>Restrictions</b>	<ul style="list-style-type: none"> <li>• Restriction of veterinary practise to qualified individuals (Section 19)</li> <li>• Prohibition of use of veterinary titles by unqualified persons (Section 20)</li> </ul>	<p>Protect, promote and maintain the health and wellbeing of animals and public</p> <p>Promote and protect public confidence in the veterinary professions</p> <p>Promote and maintain proper professional standards and conduct for members of veterinary professions.</p> <p>Duties:</p> <ul style="list-style-type: none"> <li>• Veterinary acts cannot be completed by those who do not hold the appropriate licence to practise               <ul style="list-style-type: none"> <li>○ Including those actions that can only be completed by certain professions</li> <li>○ Including areas that are appropriate for exemptions</li> </ul> </li> <li>• Protection of titles for all regulated veterinary professions</li> <li>• Determine what activities can be conducted by people with a licence to practise</li> <li>• Determine what activities can be completed by which profession</li> </ul>	<ul style="list-style-type: none"> <li>• Set what activities can be conducted by people with a licence to practise</li> <li>• Set what activities can be completed by which profession</li> <li>• Prosecute/sanction people for conducting veterinary acts without an appropriate licence</li> </ul>
<b>Qualifications</b>	<ul style="list-style-type: none"> <li>• Right of holders of UK veterinary degrees to be registered (Section 3)</li> <li>• Examination of students from certain universities (Section 4)</li> <li>• Recognition of Commonwealth and foreign qualifications (Section 6)</li> <li>• Temporary registration for specific purposes (Section 7)</li> </ul>	<p>Protect, promote and maintain the health and wellbeing of animals and public</p> <p>Promote and protect public confidence in the veterinary professions</p> <p>Promote and maintain proper professional standards and conduct for members of veterinary professions.</p> <p>Duties:</p> <ul style="list-style-type: none"> <li>• Determine the qualifications that will be required to be able to gain a licence to practise, for each of the professions</li> </ul>	<ul style="list-style-type: none"> <li>• Set qualification standards and Day One Competencies for each profession</li> </ul>

Area	Current duties	Proposed objectives and duties	Associated powers
<b>Registration/ Licensing (professionals)</b>	<ul style="list-style-type: none"> <li>• Creation and maintenance of the Register of Veterinary Surgeons (Section 2)</li> <li>• Lists within the register: <ul style="list-style-type: none"> <li>○ General list</li> <li>○ Commonwealth list</li> <li>○ Foreign list</li> <li>○ Temporary list</li> <li>○ Visiting European list</li> </ul> </li> <li>• Power to make regulations regarding the register (Section 11)</li> <li>• Removal of deceased or non-practising individuals from the register (Section 13)</li> <li>• Correction of fraudulent or incorrect entries (Section 14)</li> </ul>	<p>Protect, promote and maintain the health and wellbeing of animals and public</p> <p>Promote and protect public confidence in the veterinary professions</p> <p>Promote and maintain proper professional standards and conduct for members of veterinary professions.</p> <p>Duties:</p> <ul style="list-style-type: none"> <li>• Run a licence to practise scheme <ul style="list-style-type: none"> <li>○ Determine some standards related to this: <ul style="list-style-type: none"> <li>▪ Qualification (see below) <ul style="list-style-type: none"> <li>• Setting of Day One Competencies</li> </ul> </li> <li>▪ Fitness to practise (see below)</li> <li>▪ Fees</li> <li>▪ English language requirements</li> <li>▪ Indemnity insurance requirements</li> </ul> </li> <li>○ Restoration of licence to practise after removal, where appropriate</li> </ul> </li> <li>• Determine standards for professionals, including codes of conduct and actions to be completed by different professions <ul style="list-style-type: none"> <li>○ And appropriate rules and guidance</li> <li>○ Including consultation with professions/public, where appropriate</li> </ul> </li> <li>• Maintain a list of those with licences for the different professions: <ul style="list-style-type: none"> <li>○ Veterinary surgeons</li> <li>○ Veterinary nurses</li> <li>○ Allied veterinary professionals</li> </ul> </li> <li>• Maintain a list of the type of licence held: <ul style="list-style-type: none"> <li>○ Full licence</li> <li>○ Conditional licence</li> <li>○ Temporary and conditional licence</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Set standards for registration: <ul style="list-style-type: none"> <li>○ Qualification (see below) <ul style="list-style-type: none"> <li>▪ Setting of Day One Competencies</li> </ul> </li> <li>○ Fitness to practise (see below)</li> <li>○ Fees</li> <li>○ English language requirements</li> <li>○ Indemnity insurance requirements</li> </ul> </li> <li>• Set codes of professional conduct for licensed professionals</li> <li>• Set standards for what conditions are permitted under what circumstances</li> <li>• Obtain appropriate documentation to ensure standards are met</li> </ul>

Area	Current duties	Proposed objectives and duties	Associated powers
<b>Regulation &amp; Discipline</b>	<ul style="list-style-type: none"> <li>• Supervisory functions of the Council (Section 5)</li> <li>• Preliminary Investigation and Disciplinary Committees (Section 15)</li> <li>• Removal of names for criminal or disgraceful conduct (Section 16)</li> <li>• Appeals process for disciplinary decisions (Section 17)</li> <li>• Restoration of names after removal or suspension (Section 18)</li> </ul>	<p>Protect, promote and maintain the health and wellbeing of animals and public</p> <p>Promote and protect public confidence in the veterinary professions</p> <p>Promote and maintain proper professional standards and conduct for members of veterinary professions.</p> <p>Duties:</p> <ul style="list-style-type: none"> <li>• Have an independent fitness to practise process/committee, with no overlap on membership from other committees/the Board</li> <li>• Define current impairment</li> <li>• Run a fitness to practise process <ul style="list-style-type: none"> <li>○ Determining processes, rules and guidance for professionals when assessing current impairment</li> </ul> </li> <li>• Application of sanctions if fitness to practise is currently impaired</li> <li>• Removal of licence to practise if fitness to practise is currently impaired or an automatic barring offence has been committed</li> <li>• Appeals on the fitness to practise processes</li> </ul>	<ul style="list-style-type: none"> <li>• Set standards for “current impairment”</li> <li>• Investigate fitness to practise scheme</li> <li>• Apply sanctions on fitness to practise</li> <li>• Removal licence to practise</li> <li>• Obtain appropriate documentation to determine fitness to practise, including health reports</li> </ul>

<b>Registration/ Licensing (businesses)</b>	N/A	<p>Protect, promote and maintain the health and wellbeing of animals and public</p> <p>Promote and protect public confidence in the veterinary professions</p> <p>Promote and maintain proper professional standards and conduct for members of veterinary professions.</p> <p>Protect consumers (a consumer duty), where this does not contradict animal welfare requirements</p> <p>Ensure fair competition within the market (a competition duty)</p> <p>Duties:</p> <ul style="list-style-type: none"> <li>• Run a licensing scheme           <ul style="list-style-type: none"> <li>○ Determine how to interpret standards which are set out in legislation</li> <li>○ Determine risks of businesses based on scope of the business' activities</li> </ul> </li> <li>• Maintain a list of licensed businesses/premises</li> <li>• Inspections</li> <li>• Provide notice, except for exceptional circumstances</li> <li>• Publish results</li> <li>• Investigations</li> <li>• Provide a receipt on items taken</li> <li>• Sanctions</li> <li>• Ensure named responsible person is completing their role appropriately</li> </ul>	<ul style="list-style-type: none"> <li>• Inspections:           <ul style="list-style-type: none"> <li>○ Powers of entry               <ul style="list-style-type: none"> <li>▪ Including warranted entry, where required</li> </ul> </li> <li>○ Charge for the cost of inspections</li> <li>○ Information gathering               <ul style="list-style-type: none"> <li>▪ Including complaints, clinical outcomes, training etc for monitoring compliance</li> </ul> </li> <li>○ Additional powers:               <ul style="list-style-type: none"> <li>▪ Search and seizure</li> <li>▪ Observation</li> <li>▪ Require explanations</li> <li>▪ Information/records access</li> <li>▪ Review compliance</li> <li>▪ Bring people/equipment</li> <li>▪ Survey/test</li> <li>▪ Examine/investigate</li> <li>▪ Direct premises to be undisturbed</li> <li>▪ Take measurements</li> <li>▪ Take photographs/recordings</li> <li>▪ Take samples</li> <li>▪ Take possession of and detain substances or articles found</li> </ul> </li> </ul> </li> <li>• Investigations           <ul style="list-style-type: none"> <li>○ Power of entry</li> <li>○ Powers to seize appropriate information</li> </ul> </li> <li>• Sanctions:           <ul style="list-style-type: none"> <li>○ Fines</li> <li>○ Improvement notices</li> <li>○ Suspension of licence</li> <li>○ Removal of licence</li> <li>○ Sanction against named responsible person</li> </ul> </li> </ul>
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Area	Current duties	Proposed objectives and duties	Associated powers
<b>Governance</b>	<ul style="list-style-type: none"> <li>• Establishment and composition of the RCVS Council (Section 1)</li> <li>• Election of President and Vice-Presidents</li> <li>• Appointment of lay members and veterinary nurses to the Council</li> </ul>	<p>Protect, promote and maintain the health and wellbeing of animals and public</p> <p>Promote and protect public confidence in the veterinary professions</p> <p>Promote and maintain proper professional standards and conduct for members of veterinary professions.</p> <p>Protect consumers (a consumer duty), where this does not contradict animal welfare requirements</p> <p>Ensure fair competition within the market (a competition duty)</p> <p>Duties:</p> <ul style="list-style-type: none"> <li>• Run a Board</li> <li>• Have additional committees for other matters <ul style="list-style-type: none"> <li>○ The fitness to practise committee should be independent from other committees</li> </ul> </li> <li>• Set out corporate strategy and expenditure plan every 3-5 years</li> <li>• Split of the regulatory/professional leadership functions</li> </ul>	<ul style="list-style-type: none"> <li>• Set a corporate strategy and expenditure plan</li> <li>• Raise fees in line with corporate strategy (consultation for professional leadership activities)</li> <li>• Recommend appointments to Privy Council</li> </ul>

Area	Current duties	Proposed objectives and duties	Associated powers
<b>Oversight</b>	<ul style="list-style-type: none"> <li>• Default powers of the Privy Council (Section 22)</li> <li>• Exercise of powers by the Privy Council (Section 23)</li> </ul>	<p>Protect, promote and maintain the health and wellbeing of animals and public</p> <p>Promote and protect public confidence in the veterinary professions</p> <p>Promote and maintain proper professional standards and conduct for members of veterinary professions.</p> <p>Protect consumers (a consumer duty), where this does not contradict animal welfare requirements</p> <p>Ensure fair competition within the market (a competition duty)</p> <p>Duties:</p> <ul style="list-style-type: none"> <li>• Accountable to Parliament and Devolved Government: <ul style="list-style-type: none"> <li>○ Annual reports</li> <li>○ EfraCom scrutiny</li> <li>○ How policy is being applied: <ul style="list-style-type: none"> <li>▪ Stats on fitness to practise process</li> <li>▪ Stats on powers of entry</li> <li>▪ Stats on sanctions for businesses</li> </ul> </li> </ul> </li> <li>• Oversight from Privy Council <ul style="list-style-type: none"> <li>○ Approval of Board/Committee appointment recommendations</li> </ul> </li> <li>• Accountable to an oversight body, who will review: <ul style="list-style-type: none"> <li>○ Fitness to practise processes</li> <li>○ Transparency and fairness of fee setting</li> <li>○ Review appointments process</li> <li>○ Assess performance</li> <li>○ Conduct audits</li> </ul> </li> <li>• Subject to legally-binding steers from Defra Secretary of State</li> </ul>	

## 6.4 Appeals

Regulation area	Appeal	Who to?
<b>Licence to practise</b>	Appeal against not having a licence to practise granted or renewed, or conditions being placed on someone's licence where this is not as a result of a fitness to practise process	An individual can appeal to the regulator  If the person can provide evidence of failure by the regulator, they can appeal to the High Court
<b>Fitness to practise</b>	Appeal against case examiner agreed sanctions	As these sanctions have to be agreed by the licensed professional, an individual can only appeal these if they can provide evidence that the process was not properly followed by the regulator
<b>Fitness to practise</b>	Appeal against tribunal imposed sanctions. (For example, removal from the register)	A licensed professional or a pet owner can appeal this to the High Court, if they can provide evidence that the regulator has failed in its duty and/or not followed the process properly
<b>Fitness to practise</b>	Appeal against not being allowed to regain a licence to practise after renewal	An individual can appeal to the regulator  If the person can provide evidence of failure by the regulator, they can appeal to the High Court
<b>Fitness to practise</b>	Appeal for failure to adequately protect the public	The regulator can appeal a decision made by case examiners or at tribunal to the oversight body, if they can provide evidence that the outcome is insufficient for public protection
<b>Veterinary/animal healthcare business</b>	Appeal against not being granted a licence	A business can appeal to the regulator  If the business can provide evidence of failure by the regulator, there would be a

statutory right of appeal through HM Courts and Tribunals Service.

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<b>Veterinary/animal healthcare business</b>	Appeal against the prior notice given for an inspection visit	A business can appeal to the regulator  If the business can provide evidence of failure by the regulator, there would be a statutory right of appeal through HM Courts and Tribunals Service.
<b>Veterinary/animal healthcare business</b>	Appeal against the results of an inspection	A business can appeal to the regulator  If the business can provide evidence of failure by the regulator, there would be a statutory right of appeal through HM Courts and Tribunals Service.
<b>Veterinary/animal healthcare business</b>	Appeal against the sanctions imposed upon a business	A business can appeal to the regulator  If the business can provide evidence of failure by the regulator, there would be a statutory right of appeal through HM Courts and Tribunals Service.
<b>Veterinary/animal healthcare business</b>	Appeal against the use of Powers of Entry	A business can appeal to the regulator  If the business can provide evidence of failure by the regulator, there would be a statutory right of appeal through HM Courts and Tribunals Service.

## 6.5 Glossary

### **Act**

A law passed by Parliament. In veterinary context, the Veterinary Surgeons Act 1966 is the primary legislation regulating the profession.

### **Automatic Barring Offence**

A serious criminal offence (for example, child abuse, sexual offences) that results in automatic inclusion on the DBS barred list, preventing individuals from working with vulnerable groups, including in veterinary settings if relevant.

### **AVPs (Allied Veterinary Professionals)**

Allied Veterinary Professionals are individuals who work alongside veterinary surgeons to support animal health and welfare

### **Bill**

A proposal for a new law or a change to existing law. It becomes an **Act** once passed by Parliament.

### **Case Examiner**

A professional (often employed by the regulator) who assesses concerns about veterinary professionals to determine whether there is a case of **current impairment**.

### **Code of Professional Conduct**

Published by the **regulator**, this sets out the ethical and professional standards expected of veterinary professionals.

### **Commencement Regulations**

**Statutory instruments** that bring into force part or all of another piece of legislation at a date later than the date it became law.

### **CMA Order**

Legally binding directives that can be imposed on businesses to address issues related to competition, markets, and consumer protection in the UK.

### **CPD (Continuing Professional Development)**

Ongoing learning required by the regulator to maintain professional competence. Currently veterinary surgeons and veterinary nurses must complete an annual minimum of 35 hours and 15 hours, respectively.

## **Current Impairment**

A concept in fitness to practise proceedings referring to a veterinary professional's present inability to practise safely, effectively, or ethically due to issues related to health, conduct, or competence.

## **Day One Competencies**

The essential skills, knowledge, and behaviours expected of veterinary professionals on their first day of professional practice.

## **Defra**

The Department for Environment, Food & Rural Affairs: the UK government department overseeing animal health, welfare, and veterinary public health.

## **Disciplinary Committee**

The Royal College of Veterinary Surgeons (RCVS) Disciplinary Committee is the formal tribunal of the RCVS. It functions as the veterinary profession's equivalent of a court, responsible for hearing and adjudicating serious allegations against veterinary surgeons and registered veterinary nurses

## **Exemption Order**

A legal provision allowing non-veterinary surgeons to perform certain procedures (for example, physiotherapy, blood sampling) under specific conditions.

## **Fit to Practise**

A general term indicating that a veterinary professional has the skills, knowledge, character, and health to practise safely and effectively.

## **Fitness to Practise**

A formal regulatory process assessing whether a veterinary professional meets the standards required to maintain a **licence to practise**.

## **Government**

Refers to UK central government, which enacts legislation and oversees regulatory bodies. It is made up of multiple departments and agencies.

## **Legislation**

Laws and legal instruments, including **Acts**, **statutory instruments**, and regulations.

## **Licence to Practise**

A process and associated documentation, ensuring that only those who have met certain standards carry out veterinary acts in the UK.

## **Privy Council**

A formal body advising the monarch, which approves certain legislation and regulations. The Judicial Committee of the Privy Council (JCPC) is the UK's highest court of appeal. It acts as the final court for veterinary professional appeals.

## **Professional Judgement**

The application of a veterinary professional's knowledge, experience, and ethical standards to make decisions in the best interest of animal welfare, often in complex or uncertain situations. It underpins clinical decision making and should be utilised when discerning a person's area of competence.

## **Regulator**

An organisation responsible for overseeing professional standards. This is currently the RCVS.

## **Royal Charter**

A Royal Charter is a formal legal document issued by a monarch that grants rights, powers, or status to an organisation.

## **Royal College**

A Royal College is an organisation that holds a **Royal Charter**.

## **Secretary of State**

A senior **government** minister responsible for a specific department.

## **Statutory Instruments**

Secondary legislation used to implement or amend **Acts**.

## **Undertaking**

A formal promise or agreement, often given during **fitness to practise** proceedings, to carry out specific actions, comply with conditions or cease certain activities.

## **Veterinary Acts**

A veterinary act is an activity that can only be undertaken by a veterinary professional.

## **Voluntary Removal**

The process by which a licensed professional agrees with the regulator to rescind their licence to practise once a fitness to practise case has been opened.