BVA RESPONSE TO DEFRA PROPOSALS TO AMEND THE GOVERNANCE STRUCTURE OF RCVS, AND AMEND THE VETERINARY SURGEONS ACT 1966 USING A LEGISLATIVE REFORM ORDER

1) The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom and has over 15,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.

2) We are aware that issues surrounding the governance arrangements at RCVS have been raised on a number of occasions in recent years, including a recommendation in the report ‘Veterinary Surgeons Act 1966’ published by EfraCom in 2008 for the restructuring of RCVS Council, suggesting in particular that the number of lay members should be increased.

3) BVA responded to the RCVS consultation in 2009 on the review of the Veterinary Surgeons Act, supporting three key proposals for reform (namely, to separate the functions of the Preliminary Investigations Committee (PIC) and Disciplinary Committee (DC) from RCVS Council, widen the powers of both PIC and DC, and reform the composition of RCVS Council). In that response we suggested:

- RCVS Council should have no more than 30 members (10 lay members including at least one veterinary nurse; at least 15 elected veterinary surgeons; up to 5 appointed veterinary surgeons including the CVO and a UK veterinary school representative)
- Lay membership should be no more than one third (subject to Council and DC have separate membership)

It was subsequently agreed that changes to the composition of Council should be for consideration in the longer term, once the new disciplinary machinery was in place.

4) BVA also contributed to the RCVS First Rate Regulator review in 2012, stating that members felt that the College was not always open and transparent – at the time, information relating to the refurbishment costs of Belgravia House and IT overspend, the outcomes of the McKelvey review, and the allocation of statutory and non-statutory funding, were all areas where members felt that the College could have been and should have been more forthcoming. Members also felt that there had been previous failures of governance at the College and efforts to address this via a Function and Structure Review Group made up primarily of past presidents had not been sufficiently independent.

5) For these reasons we warmly welcome the return to the question of the composition of RCVS Council. We are pleased to see that the advice of the Professional Standards Authority (PSA) on the efficiency and effectiveness of health professional regulators, which formed part of the First Rate Regulator research report, is cited and has clearly informed the thinking behind some of the proposals, in particular the
principle that smaller governing bodies are associated with greater effectiveness.

6) We strongly support the overall aim of modernising RCVS Council and reducing burdens, as well as demonstrating a better fit with the five principles of better regulation by being proportionate, consistent, accountable, transparent, and targeted.

Composition

7) We agree with the suggestion that the majority of RCVS Council members should be elected by veterinary surgeons, on the basis that the profession is self-regulating. We also agree with the suggestion that, as RCVS now also regulates the veterinary nursing profession, it is appropriate that there should be dedicated positions on RCVS Council for registered veterinary nurses.

8) We agree that RCVS Council should benefit from the expertise of the UK universities offering accredited veterinary degrees but appreciate that it would be unsustainable to continue to allow each veterinary school to nominate two representatives, particularly as further universities are awarded recognition orders. We support the proposal that a smaller number of Council members with educational experience could be collectively appointed by a body representing the vet schools, presumably the Veterinary Schools Council.

9) We support the proposals to create statutory positions for lay members on Council, on the basis that RCVS works in the public interest. However, as RCVS also acts as a Royal College and carries out a number of non-regulatory activities such as the award of Fellowships, Diplomas and Certificates, it would not be appropriate for there to be complete parity between lay and professional members as advised by the PSA, and a greater proportion of elected veterinary surgeons should be maintained, as previously stated.

Size

10) As already noted, the advice of the PSA was that smaller governing bodies are more effective, and we recognise that a smaller Council is likely to be able to meet more frequently, cost less, and be more agile with regard to decision making. We note that currently RCVS Council delegates some of its work to an Operational Board on the basis that the infrequency of Council meetings means that it cannot address time-pressured decisions. We also note that this division of labour has, according to the consultation document, created a potential for lack of accountability for those decisions.

11) Although we support the principle that the size of RCVS Council should be reduced, ensuring the appropriate skill sets and expertise are maintained should remain the primary concern, and given the dual functions of RCVS Council it would not be appropriate to reduce membership to a board-like structure of around 8-12 members. The suggestion of a reduction in size of a minimum of 25% appears to be pragmatic, balancing the need to deliver significant improvements in efficiency with the need to ensure appropriate representation of elected veterinary surgeons, RVNs, lay members, and those with an educational background.

12) We would however welcome clarification on how the College envisages any changes to the size of Council, and the frequency of Council meetings, might impact on the delegation of duties to the Operational Board, and also how it intends to address concerns about the perceived lack of accountability for some decisions.
Election/appointment systems

13) We strongly believe that there must be transparent mechanisms for bringing individuals with the appropriate skills and experience onto RCVS Council and committees. Any process for appointment or election must be open, fair, and legitimate, and such that it does not deter good candidates, nor should it be disproportionately expensive in terms of resourcing.

14) The current system of direct election of veterinary members is perceived to be the most transparent and democratic, however, it may be that this system does not necessarily deliver the appropriate balance of skills and experience. Consideration should be given to the way in which current skills gaps are identified and how candidates and voters are encouraged to take those into consideration when standing for election and when casting their vote. It may also be appropriate to consider whether a small number of appointed veterinary surgeon members could address this issue, in which case a transparent and independent appointments process would need to be considered.

15) We believe that the process for appointing RVN members should mirror the process for veterinary surgeon members. Only RVNs should be able to vote for RVN candidates, and veterinary surgeons for veterinary surgeon candidates. Although we strongly support the principle of inclusiveness and mutual respect between the professions it is appropriate for the two to maintain some degree of separation when voting for their own Council representatives, although we recognise that once elected those representatives will be contributing to decisions which potentially impact on both. We are also conscious of the need to ‘future-proof’ the system and would not wish to see a precedent set that resulted in para-professionals subsequently regulated by the College able to vote for veterinary surgeon and RVN Council representatives.

16) The appointment process for lay members should also be transparent but clearly an open election process for such members would not be appropriate. We support the proposal that lay members should be appointed through an independent appointments process, with reference to a clear set of required skills and experience. The detail of the way in which such an appointments process would work, and how genuine independence would be achieved, will need further consideration.

17) As previously stated, we support the proposal that a smaller number of Council members with educational experience should be collectively appointed and we would support such appointments being made by the Veterinary Schools Council.

18) Regarding the overall balance of skills on RCVS Council, as previously identified, there is a difficulty in balancing this with the need for open and transparent election processes. As suggested above, the development of a detailed role description which is clear to candidates and voters alike could go some way to addressing this issue. Consideration could also be given to the independent appointment of a proportion of members.

Terms and conditions of office

19) We strongly support the principle of a fixed term of office, limited to a maximum number of terms, and agree that this is important for building experience and maximising contribution, but also allowing fresh perspectives and new approaches, as well as preventing certain individuals from ‘blocking’ places.
20) It may be useful to mention that BVA has for some time followed the principle of a three year term, renewable once for our Council members. There must be a gap of three years following the second term before a representative may stand again. On that basis, the proposed four year term appears to be reasonable and we suggest that this should be limited to a maximum of two consecutive terms, with at least three years' break before a candidate may stand for any further terms.

21) We strongly support the proposal that there should be a mechanism for removing Council members for issues relating to poor conduct/behaviour/non-attendance, in particular any activity which might bring the profession into disrepute.

Flexibility for the future

22) Whilst we agree that there may be need for some flexibility for further RCVS governance reforms, particularly given the potential for RCVS taking on regulatory responsibility for additional allied professions under the provisions of the Royal Charter, that flexibility should not be such that it sidesteps appropriate consultation with the profession.

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