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# Scope of the Consultation

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<tr>
<th>Topic of this consultation</th>
<th>This consultation sets out proposals that allow the Royal College of Veterinary Surgeons (RCVS) to request that migrant veterinary surgeons from the European Economic Area (EEA) demonstrate the necessary knowledge of English to practise as a veterinary surgeon in the UK.</th>
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</thead>
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<tr>
<td>Scope of this consultation:</td>
<td>The purpose of this consultation is to seek your views on proposals to introduce language controls for migrant EU veterinary surgeons by giving the registrar of the RCVS explicit powers to:</td>
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<td>- request that applicants demonstrate their ability by a reasonable means;</td>
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<td></td>
<td>- prevent someone, who cannot demonstrate ability, from practiseing (by not adding their name to the register).</td>
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<td>The outcome of the consultation will assist in formulating a final fit-for-purpose policy, which we will put forward as necessary legislative change.</td>
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<tr>
<td>Geographical scope:</td>
<td>The RCVS is the regulator for the veterinary profession in the United Kingdom; the geographical extent of this proposal is the UK.</td>
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## Basic Information

<table>
<thead>
<tr>
<th>To:</th>
<th>This consultation is open to everyone, but will be of particular interest to veterinary surgeons, prospective applicants to the UK register of veterinary surgeons and the animal owning public.</th>
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<tr>
<td><strong>Body/ bodies responsible for the consultation:</strong></td>
<td>This consultation is being carried out by the team responsible for the Veterinary Surgeons Act 1966 in the Department for Environment, Food and Rural Affairs (Defra). It is based on a proposal which has been developed jointly by Defra and the RCVS.</td>
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<tr>
<td><strong>Duration:</strong></td>
<td>10 weeks</td>
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<tr>
<td><strong>Enquiries:</strong></td>
<td>Please address any enquiries during the consultation to: r <a href="mailto:cvsconsultation@defra.gsi.gov.uk">cvsconsultation@defra.gsi.gov.uk</a></td>
</tr>
<tr>
<td><strong>How to respond:</strong></td>
<td>We welcome your views and comments on the proposals. We would prefer you to respond to the consultation using our online tool, Citizen Space, found through our consultation website <a href="http://www.gov.uk/defra">www.gov.uk/defra</a></td>
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<tr>
<td></td>
<td>If you are unable to use the web based system you can also respond:</td>
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<td></td>
<td>• By email to: <a href="mailto:rcvsconsultation@defra.gsi.gov.uk">rcvsconsultation@defra.gsi.gov.uk</a></td>
</tr>
<tr>
<td></td>
<td>• By post to: RCVS Consultation Team, Defra, Area 5B, Nobel House, 17 Smith Square, London, SW1P 3JR</td>
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<td></td>
<td>If you wish to obtain a hard copy of this consultation please contact us at the email or postal address above or telephone 0207 238 5592</td>
</tr>
<tr>
<td><strong>After the consultation:</strong></td>
<td>We will summarise all responses and place this summary on our website at <a href="http://www.gov.uk/defra">www.gov.uk/defra</a>. This summary will include a list of names of organisations that responded but not people’s personal names, addresses or other contact details.</td>
</tr>
<tr>
<td></td>
<td>We will retain a copy of responses so that the public can see them; copies will be made available on request. Also, members of the public may ask for a copy of responses under freedom of information legislation.</td>
</tr>
<tr>
<td></td>
<td>If you wish to receive a copy of these responses please contact us at: <a href="mailto:rcvsconsultation@defra.gsi.gov.uk">rcvsconsultation@defra.gsi.gov.uk</a></td>
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Chapter 1: Current situation

Background

1.1 The Veterinary Surgeons Act 1966 (VSA) is the key statute which regulates the veterinary profession in the UK. The Act restricts the practice of veterinary profession in the UK by making it a criminal offence for anyone to practice veterinary surgery unless the person is a qualified veterinary surgeon registered with the Royal College of Veterinary Surgeons (RCVS). Specific provisions of the VSA transpose EU law by, for example, allowing for the registration of Community Rights entitled persons who hold specific European qualifications.

1.2 This piece of EU legislation – known as the Professional Qualifications Directive (“PQD”) – exists to facilitate the free movement of professionals within the European Union. For veterinary surgeons, there is a system of harmonised training requirements and automatic recognition of qualifications. The PQD was amended and came into force in January 2014. One of the amendments made it clear that competent authorities for each profession in each Member State had the right to ensure professionals had sufficient linguistic knowledge to practise that profession. This means that RCVS have the right to ensure that any EU vet seeking to work in the UK has the necessary knowledge of English as a condition of registration.

1.3 At present the VSA does not allow the Registrar of the RCVS to ask for such evidence during the registration process, meaning that any EU vet holding recognised qualifications, and providing the required evidence of good character, must be registered, even if there are concerns about their ability to practise because of language difficulties. They are then free to practise veterinary surgery. Of course employers and customers have been able to, and can continue to do so, choose who they employ/use as their veterinary surgeon on the basis of many things, including communication and language.

1.4 The registration arrangements of RCVS, for EU nationals, could be considered a disparity with other applicants, as by contrast, overseas applicants to the UK register (who are from outside the EEA) are subject to checks by having to sit the academic International English Testing System (IELTS) examination to establish their language competence before they are registered. This is the only test that is accepted and applicants must obtain

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3 In this document the term ‘EU vet’ refers to a veterinary surgeon who is:
   - a national of a relevant European State (this means a national of a Member State of the European Economic Area or Switzerland), or
   - not a national of a relevant European State, but is entitled to be treated no less favourably for these purpose because he or she benefits under the Citizenship Directive from an enforceable Community right.
an overall score of at least 7.0 as well as a score of at least 7.0 in each of the four parts (Listening, Reading, Writing, and Speaking). This test costs £150.

1.5 The VSA as currently drafted allows the Registrar to seek this evidence. Graduates from UK veterinary schools have, of course, sat their degree in the English language and thus provide evidence that they are linguistically competent.

Q1a:
  i) Are you responding on behalf of an organisation or as an individual?
  ii) What is your organisation’s name?
  iii) If you are a vet, are you registered in the UK, EU or abroad?
  iv) If you are not a vet, what is the basis of your interest in the consultation?

Q1b: To help us contextualise your response, in your opinion, what do you think are the key barriers preventing veterinary surgeons from delivering a quality service?

Why changes are needed

1.6 Veterinary surgeons have a duty of care for the health and welfare of the nation’s animals, and play a crucial role to protect public health through the monitoring and control of diseases which can impact on the food chain. Many EU vets seek employment in the UK in various capacities; this could be in veterinary public health, clinical roles, as well as other areas.

1.7 In view of this, it is felt that animals and members of the public may be put at risk if vets are unable to meet a certain standard of proficiency in English as this is an essential ability for a practising vet. An example of an unwelcome situation would be a veterinary surgeon unable to understand English language drug labelling and thus unable to ensure that the drugs they dispense for treatment are correct. In addition, a large part of the role of the veterinary surgeon is to communicate clearly and effectively with their clients, to enable them to diagnose fully; discuss potential treatments accurately; and ensure that the client is aware of and can agree the proposed treatment.

1.8 The amendment to the PQD reinforces this belief by stating that professionals who benefit from the recognition of professional qualifications need to have knowledge of languages necessary for practising that profession in the host Member State.

Q2: In your experience, (if applicable) what are the impacts of migrant veterinary surgeons lacking sufficient knowledge of the English language to practise their profession? Please provide supporting evidence to help illustrate your response.

1.9 The RCVS has provided Defra with figures which show that in the last five years:
  - 118 European vets were referred to RCVS Preliminary Investigation Committee, 18 of whom had problems communicating in English.

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4 In the last three years, 2125 EU veterinary surgeons have registered with the RCVS.
• 19 European vets were also referred to the Disciplinary Committee, six of whom had problems communicating in English; two required interpreters.
• 15 European vets requested that an interpreter come along with them to their registration.

1.10 Although these figures could be considered small “in real terms” the role of the RCVS is to set, uphold, and advance veterinary standards; it needs to maintain the public’s confidence in the profession and its regulator. We believe that if we give RCVS explicit powers to ensure that all prospective registrants to the UK register satisfy requirements to have the necessary knowledge of English for their role that this meets a public expectation. As mentioned above (paragraph 1.4) there is disparity in the level of assurance between EU applicants and other overseas applicants; it is proposed that this disparity should be addressed. The proposal will close this gap by ensuring that all veterinary surgeons who request to work in the UK have the necessary knowledge of English.

Q3: In your view, why do you think that the RCVS should be given powers to assess the English language ability of every veterinary surgeon wishing to practise in the UK?
Chapter 2: What changes are needed?

Proposal

2.1 Defra has been working closely with the RCVS to develop a proposal that addresses the problem of being unable to assess the language ability of migrant EU vets, ensuring that this balances being fit-for-purpose with being proportionate.

2.2 It is essential that this proposal complies with the PQD. Controls with respect to language may be imposed by a competent authority (in this case the RCVS) only:

- when there is serious and concrete doubt about the sufficiency of the professional's language knowledge in respect of the particular professional activities, and
- following formal recognition of the applicant’s qualification.

This means that the RCVS cannot formally test every EU applicant before accepting them to the register. The proposal is intended to be “light touch” by requesting evidence in as simple a way as possible and progressing further only if doubt about the person’s ability has been created.

New EU applicants to the RCVS register

2.3 Keeping in mind the conditions in paragraph 2.2 it is proposed that we provide the Registrar of the RCVS with the explicit right to require that any new applicant to the register demonstrates competence in English language. For all EU applicants to which the changes refer, language testing will take place only after the applicant’s EU veterinary qualification has been recognised. The proposal will build on the existing registration processes and will not impose an automatic test of language. RCVS would expect European veterinary surgeons to have the necessary knowledge of English language ability to practise their profession in the UK.

2.4 It is proposed that during the registration process applicants will be asked to “self-certify”. The ability of an applicant to answer the questions asked at this stage will in itself be a demonstration of English language capability. Other evidence of ability will be accepted, such as: having lived in a multi-lingual household (including English); having studied his/her degree in English; worked for an English-speaking company.

2.5 Only if the applicant has not satisfactorily demonstrated competence in English language (in the manner described in paragraph 2.4) to which at this point would have given rise to serious and concrete doubt will the RCVS use formal testing. In principle, RCVS intend to use recognised English language testing which will be no more than necessary as to meet the requirements of the Directive. In any event, RCVS will write to the applicant confirming that they hold a recognised qualification, but explaining that their registration is on-hold pending the language test. In the meantime, it is suggested that applicants could be given the opportunity to volunteer or work in a veterinary
establishment, in any capacity other than as a veterinary surgeon, as a means of improving their language competence. They would then reapply to the register once they are confident of their English language competence.

Subsequently, the RCVS could have concerns about an applicant’s English language capability during various stages of the registration process. For example between the application period and registration process, i.e. after the self-certification period, or, where evidence presented prior to the final registration stage does not demonstrate necessary language capability. In this instance, RCVS will apply formal language control.

2.6 Any person who is refused entry to the register on the grounds that they have failed to demonstrate the necessary knowledge of English, whether this is by being unable or refusing to provide such evidence, will have the normal right of appeal; first to the Registration Appeals Committee and subsequently to the County Court.

2.7 For the vast majority of EU migrant vets who apply to work in the UK, we believe that there will be no cause for concern and registration will proceed as normal. We believe that applying language controls in this manner meets the objective of reducing risk and preventing harm to animal health and welfare and public health while remaining proportionate and not introducing artificial barriers preventing migrant vets from working in the UK.

Q4: In your view, do you consider that the types of evidence that the RCVS proposes to accept from applicants to demonstrate their English language competence for initial registration are fair and appropriate? Please give justification for your response.

Q5: To what extent do you feel that the current language control proposal meets the EU requirements on proportionality?

Q6: To what extent do you agree that “applicants to the RCVS register who are unable to prove their language abilities should be refused registration, and thus prevented from working as a veterinary surgeon in the UK”?

Q7: Do you think that there is any other evidence or sources that we should consider as proof of language capability?

Impact: costs and equality analysis of the proposals

Cost

2.9 RCVS has informed Defra that introducing language control will be cost neutral for them. The small amendments required to the registration form (mentioned in paragraph 2.4) and accompanying guidance will represent a negligible cost; a review is necessary in light of the PQD amendment in any event to ensure other requirements have been addressed. Any update necessary to the Guide to Professional Conduct will be part of the
ongoing monitoring and review of professional standards. No additional IT system will be required.

2.10 The RCVS is currently considering various established options for a formal language test to be applied where there are serious and concrete doubts about an applicant’s English language ability. The costs of sitting the test will fall on the applicant and is estimated to be in the region of £125-£350. Any formal test to be used will be proportionate to the activity to be pursued by the vet and in line with the requirements of the Directive.

Q8: Do you have any evidence on the likely costs or administrative burdens that we have not considered?

Equality

2.11 We are aware that the proposal regarding English language capability of EU migrant vets seeking registration with RCVS affects only that group of people. However, as stated in paragraph 1.4 the RCVS already check the language competence of veterinary surgeons trained abroad. UK nationals trained in the UK have automatically satisfied about their knowledge of English as they will have undertaken an RCVS approved pre-registration education programme in English.

2.12 Since this requirement currently applies to other categories of applicants, there is evidence of disparity in the level of assurance required between European applicants, UK and overseas applicants. The proposed controls for EU veterinary surgeons will close the current gap and ensure that all veterinary surgeons who request to work in the UK have the necessary knowledge of English.

We believe that the proposals improve equality, rather than being detrimental to one particular group of people.

Q9: In your opinion, to what extent do you think that these proposals will address the current disparity in language competence of European veterinary surgeons, UK, and overseas applicants?

Q10: Please give us any other comments you wish to make in relation to the proposals?

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5 http://www.rcvs.org.uk/registration/statutory-membership-exam
Annex A: List of people and organisations consulted

Aberystwyth University
Alan Brown & Associates Veterinary Surgeons
Animal Aid
Animal Care College
Animal Concern Advice Line
Animal Defenders International
Animals Deserve Better
Animal Health and Welfare Board for England
Animal and Plant Health Agency
Animal Health Trust
Association of British Veterinary Acupuncturists
Association for the Scientific Study of Veterinary and Animal Psychotherapy
Association of Veterinary Surgeons Practising in Northern Ireland
British Camelids LTD
British Cattle Veterinary Association
British Equine Veterinary Association
British Horse Society
British Horseracing Society
British and Irish Association of Zoos and Aquariums
British Small Animal Veterinary Association
British Trout Association
British Veterinary Association
British Veterinary Chiropractic Association
British Veterinary Dental Association
British Veterinary Nursing Association
British Veterinary Rehabilitation and Sports Medicine Association
Canine and Feline Sector Group
Cattle Health and Welfare Council
Companion Animals Sector Council
Companion Animals Welfare Council
Department of Agricultural and Rural Development
Dogs Trust
Equine Health and Welfare Strategy Group
Equine Reproduction.Com
Equine Reproductive Services
Farm Animals Welfare Council
Farmers Union of Wales
Farriers Registration Council
Federation of Veterinarians of Europe
Foods Standards Agency
Goat Veterinary Society
Genus Breeding
Greyhound Board for Great Britain
Harper Adams University
Hobgoblins Stud
International Cat Care
International Veterinary Chiropractic Association
Kingston Maurward College
National Equine Welfare Council
National Farmers Union
National Farmers Union Scotland
National Association of Veterinary Physiotherapist
People’s Dispensary for Sick Animals
Pig Health and Welfare Council
Poultry Health and Welfare Group
Royal Army Veterinary Corps
Royal (Dick) School of Veterinary Studies (University of Edinburgh)
Royal College of Veterinary Surgeons
Royal Society for the Prevention of Cruelty to Animals
Royal Veterinary College
Scottish Government Rural Directorate Veterinary Division
Scottish Society for the Prevention of Cruelty to Animals
Sheep Health and Welfare Council
Small Animals Medicine Society
Ulster Farmers Unions
University Federation for Animal Welfare
University of Bristol (Veterinary School)
University of Cambridge (Department of Veterinary Medicine)
University of Glasgow (School of Veterinary Medicine)
University of Liverpool Veterinary School
University of Surrey (School of Veterinary Medicine)
Taylor Livestock Consultancy Limited
Thoroughbred Breeders Association
Twemlows Stud
Valley Agricultural Software
Veterinary Defence Society
Veterinary Development Council
Veterinary Practice Management Association
Vetsonic
Welsh Government
World Horse Welfare
World Society for the Protection of Animals
Worshipful Company of Farriers
Annex B: List of questions asked

Q1a:
i) Are you responding on behalf of an organisation or as an individual?
ii) What is your organisation’s name?
iii) If you are a vet, are you registered in the UK, EU or abroad?
iv) If you are not a vet, what is the basis of your interest in the consultation?

Q1b: To help us contextualise your response, in your opinion, what do you think are the key barriers preventing veterinary surgeons from delivering a quality service?

Q2: In your experience, (if applicable) what are the impacts of migrant veterinary surgeons lacking sufficient knowledge of the English language to practise their profession? Please provide supporting evidence to help illustrate your response.

Q3: In your view, why do you think that the RCVS should be given powers to assess the English language ability of every veterinary surgeon wishing to practise in the UK?

Q4: In your view, do you consider that the types of evidence that the RCVS proposes to accept from applicants to demonstrate their English language competence for initial registration are fair and appropriate? Please give justification for your response.

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Q7: Do you think that there is any other evidence or sources that we should consider as proof of language capability?

Q8: Do you have any evidence on the likely costs or administrative burdens that we have not considered?

Q9: In your opinion, to what extent do you think that these proposals will address the current disparity in language competence of European veterinary surgeons, UK, and overseas applicants?

Q10: Please give us any other comments you wish to make in relation to the proposals?
Annex C: Points to note

Consultation principles

This consultation is issued in line with the principles of consultation issued by the Cabinet Office. These can be found at https://www.gov.uk/government/publications/consultation-principles-guidance

If you have any comments or complaints about the consultation process, please address them to:

- Defra Consultation Co-ordinator, Room 629, Millbank, 17 Smith Square, London, SW1P 3JR
- Or email consultation.coordinator@defra.gsi.gov.uk

Confidentiality

- Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR).

- If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

- In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

- The Department will process your personal data in accordance with the DPA and in the majority of cases this will mean that your personal data will not be disclosed to third parties.