

Regulatory reform – Standard of proof and fitness to practise meeting

Thursday 7 January 2021, 10am
Zoom meeting

Attendees

Julian Wells – Chair
Izzie Arthur – Association of Veterinary Students
Ryan Davis – Society of Practising Veterinary Surgeons
Daniella Dos Santos (part) – BVA Senior Vice President

It was unclear how the proposal would achieve the desired outcome of expediting the process for minor transgressions.

The stated aim of creating a mechanism for sanctioning such transgressions was recognised.

It was unclear why Case Examiner Groups could not dispose of such cases if it was clear they would be unlikely to progress beyond PIC.

The proposal was creating a layer of bureaucracy which was unlikely to achieve the desired outcomes, particularly in the absence of appropriate resourcing.

The administrative issues in the existing system should be addressed first.

There would be costs associated with creating a CCP. It was agreed it would be better to invest in properly resourcing the existing system.

It was recognised that RCVS considered the 'under the radar' approach to be undesirable. However, the working group agreed that this approach to dealing with minor transgressions seemed more proportionate as a stop gap than the CCP proposal.

The CCP proposal did not mention consensual outcomes, nor did it include a process for formal representation. These should be incorporated if the proposal was progressed.

Mini-PICs

Views from two individuals with extensive experience on PIC had been sought ahead of the meeting. Both were satisfied that the recruitment, induction, training, and appraisal process for PIC members was thorough and appropriate. However, mixed views had been received in relation to the mini-PIC proposal – one view was that consideration of complaints would not be compromised by moving to small groups providing the more serious matters were handled by the full PIC of five veterinary surgeons. The contrasting view was that the mini-PIC model as proposed would import delays as limited experience of the wide range of employment of vets and species treated would mean PIC members having to seek expertise from outside their group.

It was agreed that the more limited breadth of experience under the mini-PIC proposal was an important consideration.

It was unclear whether the training for PIC members included root cause analysis and whole systems thinking. This was critical.

Although reassurance had been received that the system of peer review was robust, without the detail it was difficult for the group to give full support.

Appropriate resourcing was essential. The implementation of any remedial system was necessarily complex and resource heavy and would be bound to fail without proper provision in place.

It was agreed that the response to the College should indicate support for the stated objectives but be clear that any changes to the existing system must be accompanied by culture change, a modernised approach to ways of working, transparency, and external scrutiny. Without this wholesale shift piecemeal changes would simply revert to the status quo.

Fitness to practise

4. Since the last meeting the draft themes document on LWP recommendations relating to fitness to practise had been developed and circulated on Glasscubes for further input. Working group members were invited to review the draft and advise on the identified outstanding issues. In discussion the following points were made:

Recommendation 4.1:

The draft themes document was supported with no further comments made.

Recommendation 4.7 Formalise role of Case Examiners and allow them to conclude cases consensually

Recommendation 4.11: Reformed restoration periods Extend range of options for minimum period before which a veterinary surgeon or nurse can apply to be restored to the register following removal.

The draft themes document was supported with no further comments made.

Recommendation 4.12: Allow voluntary removal Any vet subsequently choosing to return to the profession should be required to go through the outstanding disciplinary process before being allowed back onto the Register.

The draft themes document was supported with no further comments made.

Recommendation 4.13: Case Management Conferences Formalising the role of Case Management Conferences (CMCs)

The proviso in the themes document was important as some professional indemnity providers did not provide representation.

Recommendation 4.14: Recommend that DC should be given power order costs. Provision to allow DC to make costs orders, for instance for unsuccessful restoration applications, as per other healthcare regulators.

The proposal was supported for exceptional circumstances (eg repeated unsuccessful restoration attempts) It was important that cost recovery did not become the norm.

Informal guidance was already provided to the defendant. This should be formalised if the power to order costs was progressed.

Recommendation 4.15: Appeals against DC decisions to be heard by the High Court instead of the Privy Council DC appeals to the Privy Council against suspension or removal should be moved to the High Court.

Miscellaneous LWP recommendations

5. It was noted that there were a number of 'miscellaneous recommendations' in the LWP report. In discussion the following points were made:

Recommendation 8.2: Empower the RCVS to set the annual renewal fee. At present the