

Unite the Union response to:

The RCVS Legislative Reform Consultation

This response is submitted by the British Veterinary Union in Unite. Unite is the UK's largest trade union with 1.5 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport, local government, education, human and veterinary health, and not-for-profit sectors.

Unite the Union represents in excess of 100,000 health sector workers. This includes eight professional associations – British Veterinary Union (BVU), College of Health Care Chaplains (CHCC), Community Practitioners and Health Visitor' Association (CPHVA), Guild of Healthcare Pharmacists (GHP), Hospital Physicists Association (HPA), Doctors in Unite (formerly MPU), Mental Health Nurses Association (MNHA), Society of Sexual Health Advisors (SSHA).

Unite also represents members in nursing, allied health professions, healthcare science, applied psychology, counselling and psychotherapy, dental professions, arts therapy, radiography, audiology, optometry, building trades, estates, craft and maintenance, administration, ICT, support services and ambulance services.

Introduction

There is a strong distrust in the ability of the RCVS to perform its duty as a regulator, and reach fair conclusions through its disciplinary committee. This is highlighted in a recent survey (previously shared with the RCVS legal team) where 85% of surveyed veterinary employees reported knowledge of unethical or illegal activity in their practice, and only 2% reported it to the RCVS. BVU members perceive that innocent vets, nurses and paraprofessionals will be placed under undue stress and have their livelihood impacted by some of the proposed changes. This perception is the result of poor performance by the RCVS in managing complaints and disciplinary proceedings over many years. Specific issues highlighted by BVU members are the exorbitantly long times to complete cases, disorganised hearings and investigations (e.g. key documents going missing) and no powers to investigate complaints properly. BVU members have also noted being present at hearings where hearsay was treated as evidence. In addition, the RCVS has failed to act against some unethical veterinarians, leading to the view that it functions as an 'Old-Boys' club.

While we strongly support the goal of a modern, fair and effective veterinary regulator, we do not believe that the RCVS is fit to regulate the profession. In line with all other professions, the veterinary profession should have an independent regulator under the professional standards authority. Our concern is that the proposed changes would give too much power to an organisation that does not meet the high standard of a truly fair, unbiased, independent regulator in the interest of the public and the profession.

Part 1: The Vet-led team

1.1 Statutory regulation of the vet-led team

The BVU does not oppose the regulation of paraprofessionals, but do not feel that the RCVS is in a position to fulfil this function in its current format. Whenever new para-professions will be required to register with the regulator, all currently practicing paraprofessionals should enjoy grandfather rights in order to protect livelihoods. It is in the interest of veterinary workers and the public that regulation of veterinarians and paraprofessionals should lie with an independent regulator under the professional standards authority.

1.2 Flexible delegation powers

The BVU supports the principle of flexible delegation powers, but do not feel that the RCVS is in a position to fulfil this function in its current format.

1.3 Separating employment and delegation

The BVU feels that more clarity is needed on the details of how this would work. We are concerned that veterinary nurses may be exploited if there is no regulatory control over their employers. The person responsible for the patient should be clearly defined. We are also concerned that the separation of employment and delegation has the potential to negatively impact continuity of patient care.

1.4 Statutory protection of professional titles

The BVU strongly supports the statutory protection of the veterinary nurse title

Part 2: The role of VN's

The union broadly supports the expansion of the VN role. We are however concerned that employers whose priority is profit may exploit an expanded VN role. Increasing the scope of the VN role prior to providing appropriate training and adequate support will place a large amount of professional risk on the VN. This is a particular concern with surgery and anaesthetics - procedures that have an inherent risk of death to the patient. The union calls on the RCVS to require employers

to provide suitable training and support prior to extending a VN's role, and until suitable training is provided and suitable support is in place, the risk and responsibility must remain with the employer or veterinary surgeon.

One way to ensure competency is through training, examination and certification of nurses in specialised fields.

The regulator must also clearly define what is meant by supervision and direction and how this relates to the regulation of veterinary nurses as professionals in their own right. The role, relationship and responsibility of the delegating vet and independently employed nurse must be clearly defined.

Part 3: Assuring Practice Regulation

3.1 Mandatory Practice Regulation

The BVU supports mandatory practice regulation, but do not feel that the RCVS is in a position to fulfil this function in its current format. It is in the interest of veterinary workers and the public that regulation of practices should lie with an independent regulator under the professional standards authority. Practice regulation by an organisation made up of veterinarians employed by practices and corporate groups creates a blatant conflict of interest.

Mandatory practice regulations should include provision of secure employment to all veterinary employees, so that livelihoods are protected when a practice's non-compliance with the regulator results in suspension or closure of a practice. There should also be whistle blower protections in order to encourage employees to report unethical practices to the regulator without risk of retaliation from their employer.

In the course of the work of the BVU, we are regularly confronted with veterinary workplaces that treat their employees so poorly that practice management significantly impedes the employee's ability to do his/her job well. This significantly impacts the standards of care in our profession. The practice standards scheme therefore needs to include minimum standards for employment, in addition to the current clinical practice standards. Examples of important requirements to include are:

- All employees should have employment contracts
- Minimum standards for contracts
- Provision of rest areas and rest breaks

3.2 Powers of entry for the RCVS

The BVU does not oppose powers of entry for the veterinary regulator, but do not feel that the RCVS is in a position to fulfil this function in its current format.

3.3 Power to issue improvement notices

The BVU does not oppose the power to issue improvement notices for the veterinary regulator, but do not feel that the RCVS is in a position to fulfil this function in its current format.

Part 4: Introduce a modern 'Fitness to Practise' regime

4.1 Introducing 'current impairment'

The BVU is in favour of this change.

4.2 Widening the grounds for investigation

Due to the sensitive nature of personal medical information, this committee should operate in a strictly and absolutely confidential manner. It is widely known that poor management and abusive workplace practices negatively impact the health and fitness to practise of veterinary professionals. The regulator should therefore investigate the impact of poor workplace practices on the vet or vet nurse's fitness to practise and take appropriate steps against managers and practices whose actions contribute to poor health e.g. those who fail to provide adequate support for workers, or emotionally blackmail or otherwise exploit their employees. Throughout any investigations, it is important that vets' livelihoods are protected. This is another instance where the lack of independence of the regulator poses a significant risk of abuse and discrimination. In order for a health and performance committee to be effective and acceptable, it must be truly independent. We are a small profession, and there is a significant reputational risk for veterinarians and other professionals where the regulator is not independent.

4.3 Introducing powers to introduce interim orders

The BVU would only support this change for an independent regulator under the Professional Standards Authority. In addition, any veterinarian or veterinary nurse who has an interim suspension must continue to receive a salary, which should be paid by the regulator, until the disciplinary process is completed as it is unacceptable to remove a person's livelihood without due process.

4.4 Introduce reviews of suspension orders

The BVU would support suspension reviews contingent on completing specific actions (e.g. specific training), and not tied to time periods. These actions should be clearly defined at the onset of suspension to avoid subjective bias in the review of suspensions

4.5 Introduce a wider range of sanctions

Great pains must be taken that these sanctions should not be used by the public to discriminate against minority groups (e.g. veterinarians for whom English is a second language), and all sanctions must be fair and proportionate.

As mentioned above, many of our members are concerned about giving greater power to the RCVS, as they answer to no-one but themselves. While a good idea in theory, these powers are only appropriate for an independent regulator under the professional standards authority.

4.6 Introduce the power to require disclosure of information.

We are in favour of an independent regulator having powers to require disclosure of information. Requests for disclosure should however be specific and relevant in order to prevent fishing expeditions. The request for information should also be placed in context, by letting the veterinary professional know what complaint was made against them.

4.7 Formalise role of case examiners

The BVU is concerned that this system will result in more cases being referred to the disciplinary committee (DC) with the proposed lower standard of proof. We would support the role of case examiners in the interest of expediency only if cases that are not resolved are not directly referred to the DC, but that the usual steps of first convening a preliminary investigation committee are followed.

4.8 Futureproofing the disciplinary process

The BVU cannot support these powers for a regulator that is not independently regulated under the professional standards authority as it creates a massive potential for abuse.

4.9 Statutory underpinning for Health and Performance Protocols

While the BVU is not opposed in principle, these powers should only be given to an independent regulator. Please refer to our response to 4.2.

4.10 Reduce the DC Quorum to three

The BVU opposes this change. Modern technologies such as Zoom and Teams facilitate meetings without any significant logistical needs or costs. There is therefore no reason to decrease the number of people on the committee, as it is much easier to 'convene' a quorum using modern technology.

4.11 Reformed restoration periods

No comment

4.12 Allow voluntary removal

The BVU supports this recommendation

4.13 Case Management Conferences

The BVU supports this change, and would add that these conferences should be done via teleconference.

4.14 DC should be given power to order costs

BVU strongly opposes this change. Power to order costs can be used by a regulator to discourage legitimate appeals.

4.15 Appeals against DC decisions

The BVU supports the right of appeal.

4.16 Appeals mechanism for reprimands and findings of misconduct

The BVU supports the right of appeal.

4.17 Automatic removal offences

The BVU supports temporary automatic removal, while due process is completed.

4.18 Power to appeal unduly lenient decisions

We support the power to appeal in cases where DC decisions are deemed too lenient, as well as too harsh.

Parts 5-8

5.1 Introduce powers to create limited licensure provisions, including for those with a disability

The BVU supports all efforts to make the profession more inclusive, but would oppose any legislation that limited a practitioners' ability to act in the client or patient's best interest.

5.2 Empower the RCVS to introduce revalidation

There needs to be more clarity on how this would work before the BVU could support such a change. What form would revalidation take; who would be doing the appraisal, etc. While there is merit in the principle, any revalidation would have to be independent from corporate and financial interests and ensure that vets are not held accountable for practice and economic shortcomings.

5.3 Underpin Mandatory CPD

The BVU would be in favour of mandatory CPD if veterinary practices (that under new legislation should be regulated) are required to provide time during the normal work week to meet this requirement. Mandatory CPD should never be used to discriminate against people who take a leave

of absence from the profession due to maternity or other reasons (e.g. illness or bereavement). One way to mitigate the potential for discrimination is to have a rolling three-year requirement (e.g. 105 hours), with a smaller annual minimum (e.g. 15 hours).

5.4 Registration of UK graduates

The BVU does not support outright refusal of registration without due process. In the interest of the public and the profession, the RCVS should be allowed to delay registration until a fitness to practise process can be completed. This delay should pertain only to serious criminal offences. For less serious offences, registrations should not be delayed once convictions are spent.

5.5 Not relevant anymore

5.6 Not relevant anymore

5.7 Not relevant anymore

5.8 Separation of registration and license to practise

The BVU supports this change.

5.9 Temporary registration nomenclature

Please refer to comments on 5.1 & 5.2

5.10 Restoration following voluntary removal/removal for non-contact

The BVU supports this change for people who have been off the register for more than 6 months. For restoration, proof of relevant CPD in line with that required from registered veterinarians should be expected. The RCVS should however make sure that there is a cost-effective route to 'return-to-work' training and re-registration for mothers with young children or other veterinary professionals that take an extended career break.

5.11 Restoration following voluntary removal/removal for non-contact

Please refer to comments on 5.4

5.12 Annual renewal – declared convictions

Please refer to comments on 5.4

6.1 Powers to revise the statutory examination

The BVU has no objection to this change

6.2 Ability to charge UK vet schools for accreditation visits

The BVU is in favour of this change

7.1 Power for the minister to make further changes to size/composition via Ministerial Order

The BVU opposes this change as changes to the RCVS governance are too important to rely on a single minister.

8.1 No comment

8.2 Empower the RCVS to set the annual renewal fee

The BVU supports giving the RCVS power to decrease the renewal fee, or increase it by no more than the national average increase in salary of the relevant professionals. Privy Council approval should be required for any additional increases in renewal fees.

8.4 Preserve the Royal College/Regulator relationship

The BVU strongly opposes this relationship. The veterinary profession, including all paraprofessionals, needs an independent regulator separate from the RCVS under the professional standards authority.