

| Summary | |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Meeting | Council |
| Date | 6 June 2024 |
| Title | Preliminary Investigation Committee Report to Council |
| Summary | This report describes the work of the Preliminary Investigation Committee since RCVS Council's last meeting, including by reference to key stage indicators, and provides information about the nature of concerns being considered by the RCVS. |
| Decisions required | None |
| Attachments | None |
| Authors | <p>Chris Murdoch Senior Case Manager c.murdoch@rcvs.org.uk</p> <p>Gemma Crossley Head of Professional Conduct g.crossley@rcvs.org.uk</p> |

| Classifications | | |
|------------------------|-----------------------------------|-------------------------------|
| Document | Classification¹ | Rationales² |
| Paper | Unclassified | n/a |

¹Classifications explained

| | |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Unclassified | Papers will be published on the internet and recipients may share them and discuss them freely with anyone. This may include papers marked 'Draft'. |
| Confidential | Temporarily available only to Council Members, non-Council members of the relevant committee, sub-committee, working party or Board and not for dissemination outside that group unless and until the relevant committee or Council has given approval for public discussion, consultation or publication. |
| Private | The paper includes personal data which should not be disclosed at any time or for any reason, unless the data subject has agreed otherwise. The Chair may, however, indicate after discussion that there are general issues which can be disclosed, for example in reports to committees and Council. |

²Classification rationales

| | |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Confidential | <ol style="list-style-type: none"> 1. To allow the Committee or Council to come to a view itself, before presenting to and/or consulting with others 2. To maintain the confidence of another organisation 3. To protect commercially sensitive information 4. To maintain public confidence in and/or uphold the reputation of the veterinary professions and/or the RCVS |
| Private | <ol style="list-style-type: none"> 5. To protect information which may contain personal data, special category data, and/or criminal offence data, as listed under the General Data Protection Regulation |

Preliminary Investigation Committee

Report to Council June 2024

Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee since the last report (24 May 2024 being the date of writing the report).
2. Since the last Report to Council (which gave information to 1 March 2024), there have been six Stage two Preliminary Investigation Committee (S2PIC) meetings (6 March, 20 March, 10 April, 24 April, 8 May and 22 May).

New cases considered by the S2PIC

3. The total number of new cases considered by the S2PIC at the six meetings referred to above is 16. Of the 16 new cases considered:
 - 9 were concluded at first consideration by the Committee.
 - 7 cases were referred for further investigation, that is, further enquiries, visits and/or preliminary expert reports.
4. No cases have been referred to the RCVS Health or Performance Protocols in the reporting period.

Ongoing Investigations

5. The Stage two PI Committee is currently investigating 29 ongoing cases where the Committee has requested statements, visits or preliminary expert reports (for example).

Health Protocol

6. There are no veterinary surgeons either under assessment or currently on the RCVS Health Protocol.

Performance Protocol

7. There are no veterinary surgeons currently on the RCVS Performance Protocol.

Professional Conduct Department - Enquiries and concerns

8. Before registering a concern with the RCVS, potential complainants must make an Enquiry (either in writing or by telephone), so that Case Managers can consider with the enquirer whether they should raise a formal concern or whether the matter would be more appropriately dealt with through the Veterinary Client Mediation Service.
9. In the period 2 March to 24 May 2024:
 - the number of matters registered as Enquiries was 788, and
 - the number of formal Concerns registered in the same period was 178.

10. The table below shows the categories of matters registered as Concerns between 2 March and 24 May 2024.

Concerns registered between 2 March and 24 May 2024

| Description of Category | Number of Cases |
|-----------------------------------------------------|------------------------|
| - Advertising and publicity | 0 |
| - Appeal against DC decision | 0 |
| - Certification | 2 |
| - Client confidentiality | 0 |
| - Clinical and client records | 1 |
| - Clinical governance | 0 |
| - Communication and consent | 5 |
| - Communication between professional colleagues | 5 |
| - Conviction | 4 |
| - CPD compliance | 0 |
| - Delegation to veterinary nurses | 0 |
| - Equine pre-purchase examinations | 0 |
| - Euthanasia of animals | 0 |
| - Euthanasia of animals – ‘Tuk’s law’ | 1 |
| - Fair trading requirements | 0 |
| - Giving evidence for court | 1 |
| - Health case (<i>potential</i>) | 0 |
| - Illegal practice | 0 |
| - Microchipping | 0 |
| - Miscellaneous | 5 |
| - Practice information, fees & animal insurance | 0 |
| - Performance case (<i>potential</i>) | 1 |
| - Recognised veterinary practice | 0 |
| - Referrals and second opinions | 0 |
| - Registration investigation | 0 |
| - Restoration application | 0 |
| - Social media and networking forums | 2 |
| - Treatment of animals by unqualified persons | 0 |
| - Use of samples, images, post-mortems and disposal | 1 |
| - Veterinary care | 142 |
| - Veterinary medicines | 2 |
| - Veterinary medicines – ‘under care’ query, other | 2 |
| - Veterinary teams and leaders | 0 |
| - Whistle-blowing | 0 |

| | |
|-----------------------------------------------|------------|
| - 24-hour emergency first aid and pain relief | 2 |
| - Unassigned | 2 |
| Total | 178 |

Data source – Profcon computer system concerns data.

Referral to Disciplinary Committee

11. In the period 2 March to 24 May 2024, the Committee has referred 3 cases involving 3 veterinary surgeons to the Disciplinary Committee.

Veterinary Investigators

12. The Chief Investigator and Veterinary Investigators have undertaken 5 unannounced visits in the reporting period. The first was a visit to a veterinary surgeon to serve disciplinary papers. The second and third were visits to the same veterinary surgeon to serve statements at the direction of PIC. The fourth was a joint visit with the VMD and Defra Investigation Services to a dog groomer following reports of medication being administered by a lay person. The fifth was a joint visit with the VMD and Defra Investigation Services in relation to a canine fertility clinic carrying out canine artificial insemination, taking blood samples and POM-Vs.

Concerns procedure

13. As Council is aware, the process for the consideration of concerns at Stage one changed at the beginning of October 2022. The median number of weeks in which cases concluded at Stage one can be seen below.

| Month in which case concluded | Median number of weeks taken |
|-------------------------------|------------------------------|
| February 2023 | 13 |
| March 2023 | 13.3 |
| April 2023 | 14.9 |
| May 2023 | 14.3 |
| June 2023 | 14.4 |
| July 2023 | 15 |
| August 2023 | 15.9 |
| September 2023 | 13.4 |
| October 2023 | 12.6 |
| November 2023 | 18.3 |
| December 2023 | 11.5 |
| January 2024 | 16 |
| February 2024 | 15 |
| March 2024 | 17.6 |
| April 2024 | 15 |

14. PIC/DC Liaison Committee considered detailed information on the time taken by cases at Stage one at its meeting in November and discussed a new KPI timeframe in light of the data provided and the steps involved in the process. The Liaison Committee concluded that six months was an appropriate timeframe. It also concluded that it would still be helpful to provide median times taken, as this is a good indicator of the most likely duration of matters for those involved in the process.

15. In line with the above KPI, cases that commenced in September and October 2023 have been assessed retrospectively to determine what percentage of them met the six-month KPI. These can be seen below, and we will continue to report on this percentage in the future.

16.

| Month case started | Cases that met KPI |
|--------------------|--------------------|
| October 2023 | 94% |
| November 2023 | 84% |

17. The Stage 2 KPI is currently for the PIC to reach a decision on simple cases before it within seven months, and on complex cases within 12 months. A case is deemed to be complex where the PIC requests that witness statements and/or expert evidence be obtained.

18. In the period 2 March to 24 May 2024, the PIC reached a decision (to close, refer to the Charter Case Committee, or refer to DC) within the relevant KPI in 4 out of 13 simple cases.

19. 9 complex cases were decided, of which 2 met the 12-month KPI. In accordance with normal practice, these cases (and the work of the department in general) are reported and discussed in detail at the PIC/DC Liaison Committee meeting.

20. At its meeting in May 2024 PIC/DC Liaison Committee undertook a full review of the Stage 2 KPI, the conclusions of which can be seen in the minutes for the meeting.

Illegal practice

21. Since the last Report to Council (which gave information to 1 March 2024), 10 new reports of suspected illegal practice have been received. Of these, 6 have been closed after issuing advice/cease and desist letters or referring matters to other relevant agencies; and 2 are subject to ongoing enquiries. There is a total of 9 ongoing enquiries.

Operational matters

22. A training day for PIC members and Profcon staff took place on 25 March 2024, which provided an opportunity for the Committee members to meet altogether, along with new members due to start in the summer. Topics included dishonesty and the handling of convictions/adverse findings.

23. One lay member will be leaving the vet PIC in July and a veterinary nurse will leave the VNPIC. Replacements for both are ready to attend and training sessions have been arranged for them.