

<b>Summary</b>	
Meeting	Council
Date	9 November 2023
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
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<b>Classifications</b>		
<b>Document</b>	<b>Classification<sup>1</sup></b>	<b>Rationales<sup>2</sup></b>
Paper	Unclassified	n/a

**<sup>1</sup>Classifications 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.

**<sup>2</sup>Classification rationales**

Confidential	<ol style="list-style-type: none"> <li>1. To allow the Committee or Council to come to a view itself, before presenting to and/or consulting with others</li> <li>2. To maintain the confidence of another organisation</li> <li>3. To protect commercially sensitive information</li> <li>4. To maintain public confidence in and/or uphold the reputation of the veterinary professions and/or the RCVS</li> </ol>
Private	<ol style="list-style-type: none"> <li>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</li> </ol>

# Preliminary Investigation Committee

## Report to Council November 2023

### Introduction

1. This report provides information about the activities of the Preliminary Investigation Committee in June, July, August, September and October 2023 (27 October being the date of writing the report).
2. Since the last Report to Council (which gave information to 26 May 2023), there have been 10 Preliminary Investigation Committee (PIC) meetings (7 June, 21 June, 5 July, 19 July, 2 August, 23 August, 13 September, 27 September, 11 October, and 25 October).

### New cases considered by the PIC

3. The total number of new cases considered by the Committee at the 10 meetings referred to above is 18. Of the 18 new cases considered:
  - 11 were concluded at first consideration by the Committee. Of these:
    - 4 cases were closed with no further action, and
    - 6 cases were closed with advice issued to the veterinary surgeon,
    - 1 case was referred to the Disciplinary 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 PI Committee is currently investigating 39 ongoing cases where the Committee has requested statements, visits or preliminary expert reports (for example). This figure does not include cases on the Health and Performance Protocols.

### Health Protocol

6. There are no veterinary surgeons either under assessment or currently on the RCVS Health Protocol. The two veterinary surgeons who had been subject to the protocol were discharged in April after having been subject to the protocol for some time without any relevant issues coming to light.

### 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 27 May to 27 October 2023:
- the number of matters registered as Enquiries was 1551, and
  - the number of formal Concerns registered in the same period was 292.
10. The table below shows the categories of matters registered as Concerns between 26 May and 27 October 2023.

#### Concerns registered between 27 May and 27 October 2023

Description of Category	Number of Cases
- Advertising and publicity	0
- Appeal against DC decision	0
- Certification	2
- Client confidentiality	0
- Clinical and client records	6
- Clinical governance	0
- Communication and consent	2
- Communication between professional colleagues	3
- Conviction	4
- CPD compliance	0
- Delegation to veterinary nurses	0
- Equine pre-purchase examinations	4
- Euthanasia of animals	2
- Fair trading requirements	1
- Giving evidence for court	1
- Health case ( <i>potential</i> )	2
- Illegal practice	1
- Microchipping	0
- Miscellaneous	5
- Practice information, fees & animal insurance	2
- Performance case ( <i>potential</i> )	2
- Recognised veterinary practice	0
- Referrals and second opinions	0
- Registration investigation	0
- Restoration application	0

- Social media and networking forums	6
- Treatment of animals by unqualified persons	0
- Use of samples, images, post-mortems and disposal	1
- Veterinary care	237
- Veterinary medicines	6
- Veterinary teams and leaders	0
- Whistle-blowing	1
- 24-hour emergency first aid and pain relief	4
- Unassigned	0
<b>Total</b>	<b>292</b>

Data source – Profcon computer system concerns data.

### Referral to Disciplinary Committee

11. In the period 27 May to 28 October 2023, 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 three visits in the reporting period. The first was a joint unannounced visit with the Veterinary Medicines Directorate to a former veterinary surgeon following reports that the individual has been administering veterinary medicines. The second was an unannounced visit to a veterinary surgeon to hand deliver correspondence relating to a concern. The third was an announced visit to a veterinary surgeon to review a selection of clinical records, as requested by the PIC.

### Concerns procedure

13. As Council is aware, the process for the consideration of concerns changed at the beginning of October 2022. As outlined in the last paper, we are currently providing details of the median time taken to close cases in given months, while the amended process “beds in” and appropriate timeframes can be set. In line with this, the median number of weeks in which cases concluded 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

14. As always, greater detail about the progress of cases and the time they take is provided to PIC/DC Liaison Committee, which will continue to monitor and assess the process and consider how best to set and implement target timeframes.

15. The Stage 2 KPI is now 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.
16. In the period 27 May 2023 to 27 October 2023, the PIC reached a decision (to close, refer to the Charter Case Committee, or refer to DC) within the relevant KPI in 6 out of 10 simple cases.
17. 18 complex cases were decided, of which 3 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.

#### **Illegal practice**

18. The RCVS commenced a trial protocol for launching private prosecutions against individuals breaching the Veterinary Surgeons Act 1966. Since its commencement on 1 April 2023 42 reports of suspected illegal practice have been received. Of these, 16 have been closed after either issuing advice letters or referring matters to other relevant agencies; 15 have been closed due to a lack of information or evidence; and 11 are subject to ongoing enquiries.

#### **Operational matters**

19. As above, the new process is progressing well, with all those involved working hard to ensure its smooth running. Cases are being monitored carefully to ensure consistency and timely progression.
20. A number of changes were made to the make-up of the PIC in July, with three veterinary members being replaced by new members. Induction training was provided to the new members and the composition of the Stage one PICs was rearranged. While this posed some temporary challenges, with new groups taking over existing cases and so some duplication of work, both PIC members and department staff worked hard to ensure the smooth and timely running of cases and the new members have settled in well.
21. The training for the PIC in relation to the new Charter Case Committee (CCC) took place in July. No cases have yet been referred for consideration. Training for PIC members in relation to the new “under care” guidance took place in August.