



# Ensuring good governance

A consultation on recommendations to reform the governance structure of RCVS Council and VN Council

**June 2024**

**#GoodGovernance**

**RCVS** | SETTING  
VETERINARY  
STANDARDS

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# Introduction

1. The Royal College of Veterinary Surgeons (RCVS) is consulting on proposals to reform the composition of its governing body, RCVS Council. We would like to gather views on the potential impact that implementing the recommendations could have, and any evidence and arguments that may not have been considered. The proposals will be reviewed in light of the consultation results before a final decision is made on formal recommendations for governance reform.
2. In June 2021, RCVS Council agreed a package of recommendations for new legislation to replace the Veterinary Surgeons Act 1966 (VSA), based on the work of the Legislation Working Party (LWP) and following extensive consultation. The VSA is the key piece of legislation that underpins the core regulatory function of the RCVS, protects the title 'veterinary surgeon', and restricts acts of veterinary surgery to veterinary surgeons (except where exemptions are made, such as those for veterinary nurses). The reform recommendations seek to allow the RCVS to be a modern, flexible, forward-looking regulator of the entire vet-led team, and include measures to:
  - Regulate veterinary practices
  - Regulate additional members of the vet-led team such as musculoskeletal therapists, cattle foot trimmers, and equine dental technicians
  - Create a forward-looking Fitness to Practise System
3. When considering future reform, one outstanding question relates to the governance of the RCVS. The composition of RCVS Council – the College's governing body - is set out in the VSA, and therefore the College needs to develop proposals for what that composition should be in any replacement legislation, including whether there should be any changes to strengthen and assure public confidence in the veterinary regulator.
4. The VSA is the primary legislation that underpins and details the functions and governance of the RCVS, but it sits alongside the College's Royal Charter. The Royal Charter incorporates the RCVS as an organisation, and empowers it to advance standards as well as setting and upholding them, in the interests of the health and welfare of animals and in the wider public interest. It also underpins

the RCVS Fellowship and the College's award-granting powers. This combination of Act and Royal Charter is what makes the RCVS a Royal College that regulates, allowing the College to take a more holistic approach to regulation than would otherwise be possible. However, the central role of the RCVS, underpinned by statute, is that of a regulator, and there is a strong argument that this should be reflected in its governance. It must also be clear to the public and the profession that the RCVS is not a representative body established to act in the interests of its members.

5. A regulator is a body committed to setting and upholding professional standards in the public interest. Regulators do this by holding a register and regulating the educational standards that need to be met to join it, maintaining a disciplinary process, setting and enforcing educational standards, and enforcing regulations such as those pertaining to continuing professional development (CPD).
6. Noting that the primary function of the RCVS is to be a regulator, at present the composition of RCVS governance is strongly at variance with the regulatory norm, and this will be highlighted as and when new legislation is considered by government, who may prefer a model closer to that of other regulators. Ultimately the details of future governance reform will be in the hands of the government and Parliament, and may differ from the College's preferred option. RCVS Council has had these arguments in mind when considering recommendations for governance reform.
7. Unlike the RCVS, other Royal Colleges are not regulators. This does not make for an easy comparison. Other Royal Colleges are empowered to fulfil a variety of functions, such as conservatoires (Royal College of Music), trade unions (Royal College of Nurses), or professional bodies more narrowly focused on promoting educational and clinical standards (such as the Royal College of Surgeons). Most have elected governing bodies, but some do not. Some of those that do have carried out reforms to increase the number of appointed members of their governing bodies and grant them voting rights. In the veterinary sector some of the functions held by some medical Royal Colleges are carried out by our charity partner RCVS Knowledge, which has its own governance arrangements.
8. In addition to setting and upholding standards, the College's Royal Charter does empower the RCVS to carry out activities to advance the professions, and these workstreams are currently overseen by the College's Advancement of the Professions Committee (APC). Following this consultation the College intends to consider proposals for continuing to reflect these functions in the composition of APC (which could include an elected component), and/or other related measures to reinforce the College's identity as a 'Royal College that regulates' and the identity of veterinary surgeons and nurses (and future allied professionals) as Members and Associates.

# RCVS governance compared to other regulators

9. The current composition of RCVS Council is markedly different from that of other regulators of professions, including those in the healthcare sector. In examining the regulatory norm, RCVS Council considered the 2014 Law Commission report 'Regulation of Health and Social Care Professionals'<sup>1</sup>, the recommendations of which were subsequently adopted by the UK Government. It is those recommendations that government will likely look to when considering what RCVS governance should look like in any future legislation, and RCVS Council has reflected this when making its own recommendations for reform. Any divergence from the regulatory norm would need to be justified.
10. The core purpose of a regulator is to carry out its regulatory functions in the public interest. The public need to be assured that a regulator is acting in the interests of the public and not the profession, where those interests may differ. One way in which such assurance can be provided is through the composition of a regulator's governing body.

## Fully appointed governing bodies

11. It is the norm for all members of a healthcare regulator's governing body to be appointed. Appointments are not made by the regulator, but by an independent process. For instance, in the human healthcare professions their processes are in line with Professional Standards Authority (PSA) guidance<sup>2</sup>, via a process overseen by the PSA. These appointments may seek to achieve coverage from all four nations of the UK, along with appropriate expertise and sectoral experience (for instance, general practice, public health, new graduates, etc.) – criteria that are not guaranteed to be met by an electoral process. The PSA's key principles for independent appointment are merit, fairness, transparency and openness, and inspiring confidence. While the regulator sets the criteria for appointment, the selection is made by an independent panel, and approved by the Privy Council.
12. Selection via elections risks giving the impression – to both the professions and the public – that the RCVS is a representative body working in the interests of

<sup>1</sup> Law Commission, '[Regulation of Health and Social Care Professionals](#)', 2014

<sup>2</sup> [Professional Standards Authority, 'Good practice in making council appointments'](#), 2022

the profession (like the British Veterinary Association), rather than a regulatory body working in the interests of the public. Council members are currently elected to bring their expertise to decisions made in the interests of the health and welfare of animals and in the wider public interest, not to represent a constituency, but there is evidence that there is widespread misunderstanding about this at present. It is also evident that historically only a small percentage of the veterinary professions participate in elections, despite extensive communications campaigns that have sought to remedy this.<sup>3</sup> It is also notable that the RCVS often receives more applications to its independent appointment processes, such as for the Disciplinary Committee, than it does candidates for elections. Self-nomination for elections may also reduce the pool of applicants compared to an independent appointment process.

## Lay parity

13. While other regulators retain 'self-regulation' in the sense of having an autonomous authority that makes regulations without government intervention, it is now the norm for these regulators to have parity of lay people and registrants on their governing bodies, in order to give the public assurance that the regulator acts in their interests rather than 'setting and marking its own homework'.
14. A reduction in the number of professionals on Council and a rebalancing of its membership to include a greater proportion of lay members would bring Council into line with the governing bodies of other regulators, which are designed to focus on questions of strategy and governance, rather than operational matters. This would be balanced by ensuring that, where needed, additional professionals were selected to populate the College's committees - where policy is developed - whether by co-option or appointment.

## A Royal College that regulates the vet-led team

15. During its discussions, Council noted the existing recommendation to retain a Royal College that regulates, and highlighted that there is rarely a clear dividing line between regulatory and Royal College functions. For example, the holistic approach available to the RCVS has allowed it to develop projects that can have a positive impact on individuals' ability to practise safely, and thus contribute to an 'upstream' model that aims to prevent issues occurring rather than merely setting standards and allowing people to fail. One example of this is the Mind Matters Initiative, which has a focus on mental health and wellbeing that has been adopted by other regulators at home and abroad, expanding the scope of what a compassionate regulator can do.

<sup>3</sup> In total, 7,383 veterinary surgeons (representing 19.7% of those eligible to vote) cast their votes in the 2024 Council elections. This compares to turnouts of 16.7% in 2023, 18.6% in 2022, 24.5% in 2021, and 26.2% in 2020.

16. There is also a regulatory dimension to other areas that are often the purview of Royal Colleges in human healthcare, such as postgraduate education. It was therefore suggested that trying to separate the Royal College and regulatory functions of the RCVS in governance arrangements – for instance by having a separate board and council – would be impractical, prohibitively expensive, and counterproductive, as well as risking conflict between the two bodies, which might precipitate a future separation into two different bodies. Given the relatively small size of the veterinary professions, a separate Royal College on the model of the Royal College of Surgeons would likely have few functions and fewer resources.
17. It should be noted that RCVS Council continues to recommend an arrangement that is unique among regulators, and one that seeks to build on the best aspects of the current arrangements, such as a larger Council with broad range of professional and allied professional expertise, recognising the particular contours of the veterinary sector and its professions, while reflecting the regulatory norm.

### **Governing body size**

18. The governing bodies of regulators usually consist of 10-12 members, with the most recent model (for social workers) having only six (with no professional registrant members). RCVS Council currently consists of 24 members (reduced from 48 following a decision made in 2016). RCVS Council is not proposing to recommend further reducing the overall size of Council at this time, in recognition of the complex nature of the profession, and thus the importance of retaining a broad spectrum of veterinary expertise while increasing the number of allied professional and lay members. Along with the 'Royal College that regulates' model, this is another way in which the College's reform recommendations differ from standard practice.

### **Flexibility**

19. RCVS Council proposes that the details of future RCVS governance arrangements should be enshrined in secondary legislation, rather than set out in the Act itself. This is the norm for other regulators, as it allows for greater flexibility and future-proofing by allowing changes to be made through a less onerous legislative process than amending an Act of Parliament. However, future changes would still be safeguarded by the requirement for consultation and approval by the Secretary of State and/or Parliament.

## **Veterinary Nurses Council**

20. The RCVS Veterinary Nurses Council (VNC) also considered its own composition in light of the regulatory norm, and has made its own recommendations for the reform of VNC. VNC governance composition is ultimately a matter for RCVS Council, not legislation, and therefore any final recommendations could be implemented without the need for a new Act.



# Consultation

21. Submissions to the consultation will be analysed to identify key themes, and reported back to RCVS Council before any final decisions are made on our recommendations for governance composition of either Council.
22. This consultation seeks the views of members of the veterinary professions, the wider vet-led team, and the public on proposed reform of the composition of both RCVS Council and Veterinary Nurses Council. In particular we would like to gather views on the potential impact that implementing the recommendations could have, and any evidence and arguments that may not have been considered. The recommendations will then be reviewed in light of the consultation results before a final decision is made on formal recommendations for governance reform.
23. The reform recommendations are described below, divided into sections each outlining a different aspect of the reform proposals. Once you have read each section, you will have the opportunity to comment on that aspect of the proposed reforms via our online questionnaire.

# Section 1:

## Recommendations for RCVS Council reform

24. Further to the background and rationale set out in the introduction, details of each recommendation can be found below.

### **Recommendation 1.1: A fully appointed Council**

25. It is the norm for all members of a healthcare regulator's governing body to be appointed. Appointments are not made by the regulator, but by an independent process. For instance, in the human healthcare professions their processes are in line with Professional Standards Authority (PSA) guidance, and overseen by the PSA. This model assures the public that a regulator is constituted to act in the public interest, rather than in the interest of the profession, where those interests differ.
26. Appointment systems may seek to achieve coverage from all four nations of the UK, along with ensuring that members bring expertise from across the relevant sector (for instance general practice, public health, new graduates, etc.) – criteria that are not guaranteed to be met by an electoral process. These criteria are set by the regulator, but the choice of appointees would be made by an independent panel. The PSA's key principles for independent appointment are merit, fairness, transparency and openness, and inspiring confidence. While the regulator sets the criteria for appointment, the selection is made by an independent panel, and approved by the Privy Council. Appointments would be made for a fixed term, with term limits.

### **Recommendation 1.2: Towards lay parity**

27. It is the duty of a regulator to act in the public interest, rather than in the interests of the regulated professions, where those interests differ. It is the norm for regulators to have the same number, or parity, of lay and professional members on their governing bodies, rather than a professional

majority, in order to give the public assurance that the regulator acts in their interests rather than 'setting and marking its own homework'.

28. RCVS Council proposes that its composition be reformed to introduce either parity of the numbers of professional and lay members of Council, or to maintain only a small majority of veterinary professionals.

### **Recommendation 1.3: Removal of the Veterinary Schools Council (VSC) appointees**

29. The Veterinary Schools Council is the representative body for veterinary schools in the UK. RCVS Council currently includes three members directly appointed by VSC. This is contrary to the usual regulatory model of appointment by an independent process to give public assurance. Council proposes that these direct appointees are removed, and that instead measures are maintained that ensure appropriate educationalist expertise on the RCVS Education Committee, as well as on RCVS Council, via the proposed independent appointment process.

### **Recommendation 1.4: Flexibility to increase the proportion of allied professionals on Council**

30. While not yet widespread, it is also increasingly common for governing bodies to include members drawn from paraprofessions that form part of the regulated 'team'. For instance, the General Dental Council's model, which influenced the Legislation Working Party's recommendations, includes dental nurses and dental technicians on its board.
31. At present there are two veterinary nurses on RCVS Council, appointed by the VN Council. As and when new allied professionals are added to the College's remit, in line with the LWP recommendations, the question will arise as to whether and how their knowledge and expertise should be included on RCVS Council. Three allied professions (musculoskeletal therapists, equine dental technicians, and cattle foot trimmers) were listed in the LWP report as requiring regulation by the RCVS, and other potential candidates, such as veterinary technicians and clinical animal behaviourists, have subsequently been identified.
32. RCVS Council proposes that flexibility be built into future governance composition so that the proportion of allied professional members can be

increased over time. The recommendation is for the number of veterinary surgeons to decrease over time, while ensuring that they – as the lead profession – will always retain a majority amongst the professionals on Council.

### **Recommendation 1.5: Separating the Chair of RCVS Council from the presidency**

33. RCVS Council is also considering separating the role of RCVS President from that of Chair of RCVS Council. The RCVS President would retain their ceremonial functions, such as presiding at graduations, attending functions, and being the 'face' of the College, while a separate Chair – who could be a registrant or lay member – could be appointed for a longer period and would be responsible for chairing sessions of Council and overseeing governance. This would potentially widen the pool of likely candidates for both roles; some members of Council may have strong chairing skills and experience but no desire to be 'the public face', and vice versa. Appointing chairs for longer periods would also offer some continuity in terms of governance over a longer period of time.

## Section 2:

### Veterinary Nurses Council (VNC) governance reform

34. Veterinary Nurses Council's governance composition better reflects the regulatory norm in some respects, compared with RCVS Council. It has only 14 members (plus one observer from the RCVS Officer Team) – closer to the usual practice of having 10-12 members. In addition to the elected veterinary nurse members there are also two independently-appointed veterinary nurse members, including the current Chair.

#### **Recommendation 2.1:** **A fully appointed VN Council**

35. VNC proposes that the remaining elected nurse component of its membership be replaced by an independent appointment system based on Professional Standards Authority guidance. This would bring it in line with the regulatory norm. An appointment process could seek to achieve representation from all four nations of the UK, along with ensuring that members bring expertise from across the sector.

#### **Recommendation 2.2:** **Reducing the size of Veterinary Nurses Council**

36. VNC proposes that its membership be reduced to 12 members, in line with the regulatory norm, from the current 14. This will retain a broad range of knowledge and experience while reducing costs, and encourage a focus on strategy and governance rather than operational matters.

#### **Recommendation 2.3:** **Lay parity on VN Council**

37. At present there are only four lay members of VNC – less than one third of the total. VNC proposes introduce a parity of lay and professional members, in line with the regulatory norm. It is the norm for regulators to have a parity of lay and professional members on their governing bodies, rather than a professional majority, in order to give the public assurance that the regulator acts in their interests.

# How to send us your feedback

Thank you for taking the time to read this consultation document in full.

If you would like to send us your feedback on these recommendations, please visit [www.rcvs.org.uk/goodgovernance](https://www.rcvs.org.uk/goodgovernance) and follow the links to our online questionnaire.

The online questionnaire will be available between 10 June and 22 July 2024.

Submissions to the consultation will be analysed to identify key themes, and reported back to RCVS Council before any final decisions are made on our recommendations for governance composition of either Council.



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