



Department  
for Environment  
Food & Rural Affairs

# Consultation on proposals to amend the governance structure of the Royal College of Veterinary Surgeons

## **Analysis and response to consultation**

March 2016



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# Introduction

In October - December 2015, Defra consulted stakeholders, seeking views on proposals to change the current governance structure of the Royal College of Veterinary Surgeons (RCVS), the statutory regulator of the veterinary profession. The consultation looked in particular at the current constitution (size & membership) of the RCVS governing body, the RCVS Council.

The aims of the changes are to modernise RCVS Council so it can operate more efficiently, and in the better interests of the public and the veterinary profession. The reforms should also demonstrate a better fit with the five principles of Better Regulation, by being Proportionate, Consistent, Accountable, Transparent and Targeted.

Among the changes are proposals to increase lay and veterinary nurse membership, and reduce the overall size of Council.

In order to make these changes the RCVS has sought Government's help, as current Council arrangements are laid down prescriptively in an Act of Parliament and so require a change to the Veterinary Surgeons Act 1966.

The outcome of the consultation will assist Government to formulate a final proposal for the composition of the Council that could be put before Parliament. Defra will consult again, informally, on the final proposal.

In this public consultation, we sought views on:

- 1) the policy proposals;
- 2) whether a Legislative Reform Order is an appropriate mechanism for making these changes;
- 3) our proposed Parliamentary Scrutiny procedure.

Subject to the outcome of the consultation, we intend that the proposed changes to legislation will be made through a Legislative Reform Order under the Legislative and Regulatory Reform Act 2006. We propose that the draft Order will be laid before Parliament in late 2016, and that any changes will be implemented by the RCVS over a three year period from 2017 to 2020.

## Analysis of the responses

The written consultation closed on 24 December 2015, and received 52 responses. Not every respondent answered every question.

For the purposes of analysis, the 52 respondents have been categorised by Defra, as below: 12 organisations and 40 individuals (32 veterinary surgeons and 8 other interested parties).

Of the 52 respondents, 10 requested that their comments be treated as confidential. Copies of all the non-confidential responses received can be seen by contacting:

Defra, RCVS Consultation team

Area 5B, Nobel House,

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## Brief summary of the views of respondents

General questions			
a) Would you like your answers to be confidential?		52 answered	Response rate 100%
		Yes 10 (19%), No 42 (81%)	
b) What is your name?		49 answered	Response rate 94%
c) What is your email address?		42 answered	Response rate 81%
d) Are you responding on behalf of an organisation or as an individual?		52 answered	Response rate 100%
		Individual Vet 32 (62%), Organisation 12 (23%), Other 8 (15%)	
e) What is your organisation's name?		12 answered	Response rate 23%
f) Are you registered in the UK, EU or Abroad?		31 answered	Response rate 60%
		UK 31 (60%), not answered 21 (40%)	
g) What is your occupation		9 answered	Response rate 17%
Composition			
Q1. Do you agree or disagree with the suggestion that that the majority of Council members should continue to be elected veterinary surgeons?		50 answered	Response rate 96%
		Feedback: most agreed that the majority of members should continue to be elected veterinary surgeons.	
Agree	Disagree	Not sure	No response
73%	15%	8%	4%
Q2. Do you agree or disagree that there should be dedicated positions for veterinary nurses on RCVS Council in the future?		51 answered.	Response rate 98%
		Feedback: a clear majority agreed on dedicated positions for veterinary nurses on RCVS Council.	
Agree	Disagree	Not sure	No response
92%	2%	4%	2%
Q3. Do you agree or disagree with the proposal for a smaller number of Council members to be collectively appointed on behalf of the UK Veterinary Schools?		51 answered	Response rate 98%
		Feedback: the majority agreed with the proposal for a smaller number of Council members to be collectively appointed on behalf of the UK Veterinary Schools.	
Agree	Disagree	Not sure	No response
77%	12%	10%	2%
Q4. Do you agree or disagree with the proposal to create statutory positions for lay members on		51 answered	Response rate 98%
		Feedback: a clear majority agreed to create	

Council?		statutory positions for lay members on Council.		
Agree	Disagree	Not sure	No response	
81%	10%	8%	2%	
<b>Size of the Council</b>				
Q5. Do you agree or disagree with the suggestion that that the size of the Council should be reduced by a minimum of 25%?		50 answered	Response rate 96%	
		Feedback: the majority agreed the size of Council should be reduced by a minimum of 25%.		
Agree	Disagree	Not sure	No response	
65%	8%	23%	4%	
Q6. Is there a size for Council that you think would be appropriate?		31 answered	Response rate 60%	
		Feedback: Of those that responded, the majority suggested a reduction in size with varying numbers.		
Q7. Are there other options that you think should be considered?		21 answered	Response rate 40%	
		Feedback: Of those that responded, the majority suggested to retain current size but change the composition of Members and make more use of sub-committees and technology.		
<b>Election/Appointment systems</b>				
Q8. Do you agree or disagree that the current system of direct elections of veterinary members remain the most appropriate to provide a balanced Council? Please give your reasons.		49 answered	Response rate 94%	
		Feedback: the majority agreed that direct elections of veterinary members was most appropriate to provide a balanced council.		
Agree	Disagree	Not sure	No response	
75%	15%	2%	8%	
Q9. In your opinion, how should Veterinary Nurses be appointed/ elected to Council?		49 answered	Response rate 94%	
		Feedback: the majority thought Veterinary Nurses should be directly elected to Council.		
Direct election	Independent appointment panel	Don't know	Other	No response
62%	21%	2%	10%	6%
Q10. In your opinion, should both Veterinary Surgeons and Veterinary Nurses be able to vote for both Veterinary Surgeon and Veterinary Nurse positions on Council? Please give your reasons.		50 answered	Response rate 96%	
		Feedback: the majority thought voters should only vote on their own occupation.		

Agree	Disagree	Not sure	No response
31%	56%	10%	4%
Q11. Do you agree or disagree with the proposal that lay persons should be appointed to Council by an independent appointments process?		50 answered	Response rate 96%
		Feedback: a good majority agreed that lay persons should be appointed by an independent appointments process.	
Agree	Disagree	Not sure	No response
83%	12%	2%	4%
Q12. Do you agree or disagree with the proposal for a body recognised by the RCVS as representing Veterinary Schools to collectively appoint members to Council?		51 answered	Response rate 98%
		Feedback: the majority agreed for a body recognised by the RCVS as representing Veterinary Schools should collectively appoint members to Council.	
Agree	Disagree	Not sure	No response
72%	17%	10%	2%
Q13. Is there an alternative that should be considered?		39 answered	Response rate 75%
		Feedback: split response on alternatives. Of those that agreed with an alternative, the majority suggested 1 appointee from each vet school.	
Yes	No	Not sure	No response
21%	23%	31%	25%
Q14. Do you think a means of ensuring Council members have a good balance of skills and experience is necessary?		50 answered	Response rate 96%
		Feedback: Approximately half thought good balance of skills and experience was necessary.	
Yes	No	Not sure	No response
52%	23%	21%	4%
Q15. Do you agree or disagree that a system as set out above would be an appropriate way to provide such a balanced Council?		46 answered	Response rate 89%
		Feedback: There was a split response. Overall many thought there needed to be more clarity and detail of how this might work with concerns around transparency/increased bureaucracy.	
Agree	Disagree	Not sure	No response
38%	31%	19%	12%
Q16. Are there other ways in which Council could ensure it contains members with a balanced skill set?		42 answered	Response rate 81%
		Feedback: Of those that commented, the majority suggested that it was possible to ensure a balanced skill set by other means such	

		as advertising for specific skill sets.	
Yes	No	Not sure	No response
44%	6%	31%	19%
<b>Terms and conditions of office</b>			
Q17. Do you agree or disagree that a four year term of office for Council Members is still appropriate?		49 answered      Response rate 94% Feedback: a good majority agreed that a four year term was still appropriate.	
Yes	No	Not sure	No response
81%	6%	8%	6%
Q18. Do you agree or disagree that there should be a limit on consecutive terms of office served by Council Members without a break?		48 answered      Response rate 92% Feedback: a good majority agreed that there should be a limit on consecutive terms.	
Yes	No	Not sure	No response
85%	8%	0%	8%
Q19. Do you agree or disagree that there should be a restriction on the number of terms served whether or not these are consecutive?		50 answered      Response rate 96% Feedback: the majority agreed that there should be a restriction on the number of terms.	
Agree	Disagree	Not sure	No response
73%	21%	2%	4%
Q20. If you agree that there should be a limit on consecutive or non-consecutive terms served without a break, what limitations do you believe should be imposed?		42 answered      Response rate 81% Feedback: Very varied response. The majority suggested serving between serving 1 - 4 terms, with breaks of 1-4 years.	
Q21. Do you agree or disagree that the RCVS Council should have a mechanism to remove Council members for issues relating to poor conduct or behaviour?		50 answered      Response rate 96% Feedback: Of all those who responded, everyone agreed with a mechanism to remove Council members for poor conduct or behaviour.	
Agree	Disagree	Not sure	No response
96%	0%	0%	4%
<b>Flexibility for the future</b>			
Q22. Do you agree or disagree with the proposal to provide flexibility for the future in relation to the constitution of the Council?		48 answered      Response rate 92% Feedback: the majority agreed the proposal should provide flexibility in the future.	
Yes	No	Not sure	No response
67%	8%	17%	8%
<b>How the proposals meet sections 1 &amp; 2 of the LRO</b>			

<b>Section 1: Removal of a burden</b>			
Q23. Do you think the proposals will remove or reduce a burden as explained below?		49 answered	Response rate 94%
Feedback: the majority thought the proposals would remove or reduce a burden.			
Yes	No	Not sure	No response
65%	10%	19%	6%
Q24. Do you think the evidence shows that the proposed legislative changes will remove or reduce an identified burden?		48 answered	Response rate 92%
Feedback: The majority thought the evidence would reduce or remove a burden.			
Yes	No	Not sure	No response
58%	13%	21%	8%
<b>Section 2: ensuring regulatory activities are exercised in a way that is transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed.</b>			
Q25. Do you think the proposals will secure that regulatory activities will be exercised so that they are transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed as explained below?		47 answered	Response rate 90%
Feedback: The majority agreed with our assessment.			
Yes	No	Not sure	No response
58%	10%	23%	10%
Q26. Is there any empirical evidence that you are aware of that supports the need for these reforms? Please provide details.		45 answered	Response rate 87%
Feedback: The majority did not have or were not sure that they had any empirical evidence to support these reforms.			
Yes	No	Not sure	No response
17%	35%	35%	13%
<b>Section 3: preconditions &amp; restrictions</b>			
Q27. We cannot make an LRO under section 1 or section 2 of the Act unless the preconditions in section 3 of the LRRRA are met. We would particularly welcome your views on whether and how each aspect of the proposed changes in this consultation document meets the following preconditions.  Non Legislative solutions- The policy objective could not be satisfactorily achieved by non-legislative means (section 3(2)(a)). We ask if you agree with our assessment in this regard?		46 answered	Response rate 88%
Feedback: The majority agreed with our assessment.			

Yes	No	Not sure	No response
69%	0%	19%	12%
Q28. Proportionality- The effect of the provisions are proportionate to the policy objective (section 3(2)(b)). We ask if you agree with our assessment in this regard?		46 answered	Response rate 89%
		Feedback: The majority agreed with our assessment.	
Yes	No	Not sure	No response
63%	8%	17%	12%
Q29. Fair Balance- The provisions of the proposed order will strike a fair balance between the public interest and the interest of any person adversely affected by them (section 3(2)(c)). We ask if you agree with our assessment in this regard?		46 answered	Response rate 89%
		Feedback: The majority agreed with our assessment.	
Yes	No	Not sure	No response
69%	8%	13%	12%
Q30. Necessary protection- The provisions of the proposed order will not remove any necessary protections (section 3(2)(d)). We ask if you agree with our assessment in this regard?		47 answered	Response rate 90%
		Feedback: The majority agreed with our assessment.	
Yes	No	Not sure	No response
67%	2%	21%	10%
Q31. Rights and freedoms- The provisions of the proposed order would not prevent a person from exercising any right or freedom which they might reasonably expect to continue to exercise? (section 3(2)(e)). We ask if you agree with our assessment in this regard?		48 answered	Response rate 92%
		Feedback: The majority agreed with our assessment.	
Yes	No	Not sure	No response
79%	2%	12%	8%
Q32. Constitutional significance- The provisions of the proposed order should not be constitutionally significant (section 3(2)(f)). We ask if you agree with our assessment in this regard?		47 answered	Response rate 90%
		Feedback: The majority agreed with our assessment.	
Yes	No	Not sure	No response
73%	0%	17%	10%
<b>Section 3: preconditions &amp; restrictions</b>			
Q33. Do you agree with our proposal for parliamentary procedure? Please give your		46 answered	Response rate 88%

reasons.		Feedback: The majority agreed with our assessment.	
Yes	No	Not sure	No response
67%	2%	19%	12%

# Main findings from the consultation

## Composition of Council

**Q1. Do you agree or disagree with the suggestion that that the majority of Council members should continue to be elected veterinary surgeons?**

### Key Statistics

Agree	Disagree	Not sure	No response
73%	15%	8%	4%

Of the 50 respondents 24 (48%) provided additional comments as follows:

### Key Themes

Of the twenty four respondents who provided additional comments the following themes were identified:

- Thirteen respondents agreed that the majority of Council Members should continue to be elected veterinary surgeons due to the need for self-regulation of the profession.
- Eight respondents disagreed with the suggested approach, for several reasons including:
  - believing elections are too biased and having the relevant skills and experience are more important;
  - it is not in line with similar professions;
  - the need for parity between professional/lay members to ensure public confidence and transparency.
- Three respondents were undecided. Whilst they agreed with representation from elected vets, they did not see it necessarily that this needed to be a majority, with more emphasis on selecting the right skills.

**Q2. Do you agree or disagree that there should be dedicated positions for veterinary nurses on RCVS Council in the future?**

### Key Statistics

Agree	Disagree	Not sure	No response
92%	2%	4%	2%

Of the 51 respondents 29 (57%) provided additional as follows:

### Key Themes

Of the twenty nine respondents who provided additional comments the following themes were identified:

- Twenty five respondents agreed that Veterinary Nurses (VNs) should be on Council as the RCVS are the VNs regulatory/representative body.
- Two comments disagreed suggesting that RCVS should focus on needs of vets.
- Two comments were undecided with the view this proposal doesn't future proof for other potentially deregulated tasks and their bodies.

### Q3. Do you agree or disagree with the proposal for a smaller number of Council members to be collectively appointed on behalf of the UK Veterinary Schools?

#### Key Statistics

Agree	Disagree	Not sure	No response
77%	12%	10%	2%

Of the 51 respondents 35 (69%) provided additional comments on how the clarity of the guidance could be improved as follows:

### Key Themes

Of the thirty five respondents who provided additional comments the following themes were identified:

- twenty five respondents agreed that Veterinary Schools were important but a smaller number was appropriate. Of these:
  - ten respondents suggested one appointee from each school;
  - others suggested a specific percentage or reducing to 2/3 members;
- six respondents disagreed. Views included:

- there is still too much focus on practitioners and clinicians. The veterinary profession is entering into a new era with increased demands both on clinical and ethical knowledge. To this end it is crucial that veterinarians are given the information necessary to make these decisions. Academics from areas such as bioethics and law are familiar with these types of decision-making processes and could contribute valuable information to the Council in its regulatory and educational duties;
- while there are some concerns as to what the optimum number may be, the Veterinary School Council thought there should be three Council members appointed by UK Veterinary Schools; this should include the ability to send deputise when one or more of the three members are unavailable for a Council meeting. It will also be essential that veterinary school representatives are nominated by the veterinary schools themselves as this will ensure that these members truly represent the collective views of veterinary schools.
- "Appointments by a body" is potentially less representative than the current system;
- four respondents were undecided with a mixed response as to whether appointees should be vets or not, and concerns that the appointment process should be fair & transparent.

**Q4. Do you agree or disagree with the proposal to create statutory positions for lay members on Council?**

**Key Statistics**

Agree	Disagree	Not sure	No response
81%	10%	8%	2%

Of the 51 respondents 26 (51%) provided additional comments as follows:

**Key Themes**

Of the twenty six respondents who provided additional comments the following themes were identified:

- Twenty respondents agreed with carefully chosen lay positions to enhance public confidence and increase professional expertise.

- Three respondents disagreed and thought Privy Council positions were sufficient but with more emphasis on the publication of detailed minutes and evidence based decisions to be more transparent.
- Three respondents were undecided. Views included:
  - while there is obviously a role for lay members of Council in the regulatory function of RCVS Council it is less clear what their role would be in the functioning of the Council Charter (Royal College) functions;
  - unhappy that the Royal College is in "a unique position in being a Royal College that regulates". We feel this is anomalous. In our opinion the Royal College has too many functions, some of which potentially conflict with others. We feel there is a good argument for reallocating some of the functions of the College to other bodies, leaving the College as a purely regulatory body.
  - happy that in the public interest there should be lay representation on Council but less convinced that there should be a statutory provision for lay representation.
  - "Independent appointment" is a concept that covers a lot of ground. We would like to see more details of what is being proposed here before giving it our support.

### **Government Response**

In line with the consultation response, the government is content to take forward the proposals:

- to keep elected vets in the overall majority;
- to introduce dedicated positions for Veterinary Nurses on Council;
- to reduce the number of members collectively appointed on behalf of the UK veterinary schools;
- to introduce statutory positions for lay members on Council.

## Size of the Council

**Q5. Do you agree or disagree with the suggestion that that the size of the Council should be reduced by a minimum of 25%?**

### Key Statistics

Agree	Disagree	Not sure	No response
65%	8%	23%	4%

Of the 50 respondents 27 (54%) provided additional comments as follows:

### Key Themes

Of the twenty seven respondents who provided additional comments the following themes were identified:

- Fifteen respondents agreed with a minimum of 25% reduction. Of these:
  - four respondents suggested more than 25% reduction;
  - three respondents suggested 50% reduction;
  - two respondents thought Veterinary Surgeon reductions were most important.
- Nine respondents were not sure, unconvinced by the argument/evidence for reduction. Of these three respondents mentioned the need for breadth of experience and views and the right balance of members to populate Committees.
- Three respondents disagreed with such a reduction. Of these, one respondent thought the Council should be larger.

**Q6. Is there a size for Council that you think would be appropriate?**

### Key Themes

Of the thirty one respondents who provided additional comments the following themes were identified:

- the majority suggested a reduction in size. Of those comments that suggested actual figures:
  - eight respondents suggested more than 50% reduction;

- five respondents suggested a 25% reduction;
- three respondents suggested a 50% reduction;
- two respondents suggested less than 25% reduction;
- Two respondents suggested no change.
- Three respondents suggested that the Council size should be no larger than necessary.

### **Q7. Are there other options that you think should be considered?**

#### **Key Themes**

Of the twenty one respondents who provided additional comments the following themes were identified:

- the majority of respondents suggested to retain current size of Council but change the composition of Members and make more use of sub-committees and technology, for example, Skype.

#### **Government Response**

In line with the consultation response, the government is content to take forward the proposal of a reduction in size of Council to address issues surrounding the efficiency and accountability of decision making, and provide cost savings to the college, while providing a Council of a sufficient size to provide the diversity and capacity it needs to populate its Committees.

## Election/Appointment systems

**Q8. Do you agree or disagree that the current system of direct elections of veterinary members remain the most appropriate to provide a balanced Council? Please give your reasons.**

### Key Statistics

Agree	Disagree	Not sure	No response
75%	15%	2%	8%

Of the 49 respondents 24 (49%) provided additional as follows:

### Key Themes

Of the twenty four respondents who provided additional comments the following themes were identified:

- sixteen respondents agreed, mostly with the view that this is best served through a democratic vote. The large number of positions available, allows for minority groups of veterinarians (such as those in industry or government work) to stand for election and have a chance of being elected.
- eight respondents disagreed. They wanted fairer and more transparent independent appointments to Council, otherwise it will still be an 'Old Boys Club'. It was highlighted that only 18% of RCVS members vote in the electoral system.

**Q9. In your opinion, how should Veterinary Nurses be appointed/ elected to Council?**

### Key Statistics

Direct election	Independent appointment panel	Don't know	Other	No response
62%	21%	2%	10%	6%

Of the 49 respondents 18 (37%) provided additional comments as follows:

### Key Themes

Of the eighteen respondents who provided additional comments the following themes were identified:

- twelve respondents were in support of direct election;
- three respondents in support of independent appointments panel, to reduce bias towards larger corporations;
- one respondent in support of VN Council Chair;
- one respondent suggested eVoting to minimalise cost;
- one respondent suggested one VN Member to be elected and one VN Member to be made by independent appointment.

**Q10. In your opinion, should both Veterinary Surgeons and Veterinary Nurses be able to vote for both Veterinary Surgeon and Veterinary Nurse positions on Council? Please give your reasons.**

**Key Statistics**

Yes	No	Not sure	No response
31%	56%	10%	4%

Of the 50 respondents 36 (72%) provided additional comments as follows:

**Key Themes**

Of the thirty six respondents who provided additional comments the following themes were identified:

- twenty four disagreeing, with most saying votes should be occupation specific as they are quite different roles;
- eight respondents were in agreement that if the elected members of Council are going to have a vote in the regulation and other matters relating to both professions they should be elected by the full electorate (both veterinary surgeons and veterinary nurses).
- four respondents were undecided. Views included:
  - possibly alongside an independent panel;

- depends on the relative numbers of Veterinary Surgeons and Veterinary Nurses on Council; if there is a large discrepancy I feel that mutual voting would promote the cohesion of the overall veterinary team.

**Q11. Do you agree or disagree with the proposal that lay persons should be appointed to Council by an independent appointments process?**

**Key Statistics**

Agree	Disagree	Not sure	No response
83%	12%	2%	4%

Of the 50 respondents 21 (42%) provided additional comments as follows:

**Key Themes**

Of the twenty one respondents who provided additional comments the following themes were identified:

- fifteen agreeing, citing importance of transparency. Also the importance of choosing the right lay members was mentioned many times with appropriate skills & experience.
- Six disagreed. View included:
  - lay persons should be appointed by their sending/parent body;
  - all RCVS Council members should be elected by the MsRCVS and RVNs whom they will be representing;
  - this should be done by election too. The people with the required skills can be asked to stand.

**Q12. Do you agree or disagree with the proposal for a body recognised by the RCVS as representing Veterinary Schools to collectively appoint members to Council?**

**Key Statistics**

Agree	Disagree	Not sure	No response
72%	17%	10%	2%

Of the 51 respondents 25 (49%) provided additional comments as follows:

## Key Themes

Of the twenty five respondents who provided additional comments the following themes were identified:

- fourteen respondents agreeing it was important for vet schools to be represented. However, responses varied between appointment by 'The Veterinary School Council' (more in favour of this) and independently.
- Others thought a reduction from two appointees to one appointee from each school was appropriate;
- eight disagreed. Views included:
  - lay persons should be appointed by their sending/parent body. Veterinary Schools should retain the right of appointing whomsoever they wish. Plus to introduce another body is costly and unnecessary.
  - the role of veterinary university representatives to council is not simply in education terms. They represent the formation of the future generations of vets, the students who are working hard to enter the profession. Removing the connection to universities will have the potential to lose a valuable asset to council and also risk disuniting the veterinary education world.
- Three respondents were undecided without further detail.

## Q13. Is there an alternative that should be considered?

### Key Statistics

Yes	No	Not sure	No response
21%	23%	31%	25%

Of the 39 respondents 13 (33%) provided additional comments as follows:

## Key Themes

Of the thirteen respondents who provided additional comments the following themes were identified:

- the majority of respondents suggested one appointee from each vet school.

**Q14. Do you think a means of ensuring Council members have a good balance of skills and experience is necessary?**

**Key Statistics**

Yes	No	Not sure	No response
52%	23%	21%	4%

Of the 50 respondents 33 (66%) provided additional comments as follows:

**Key Themes**

Of the thirty three respondents who provided additional comments the following themes were identified:

- a variety of comments, agreeing that having a good balance of skills and experience on Council was important, provided it was via a formal transparent system.
- Council should reflect the profession (proportional representation suggested), possibly a skills audit.
- Thirteen respondents disagreed with concept. Views included:
  - one of the reasons not convinced that the overall size of council needs to be reduced. With the current number we attract vets from different walks of life - not just practice and thus can get skills and experience relating to a lot of fields;
  - essentially creating another level of needless bureaucracy;
  - prefer that the council is made up of elected members and that these members have the ability to outsource any skills which they are lacking - either to RCVS staff or to other organisations and individuals. If there are sufficient members of Council, they will not need to do this very often. Generally, people do not apply for election unless they are able to bring a skill set to Council and therefore, the vast majority of members will be able to be fully active members of the Council;
  - the Presidential team should have the ability to remove a member from RCVS Council if they are not able to meet the requirements;
  - a mechanism to ensure that Council contains members with the appropriate balance of skill and experience could result in the selection of token members with particular skills and knowledge. It could also curtail the democratic rights of the electorate. A smaller Council might work more efficiently, but a dictatorship might work more efficiently still. We remain

unconvinced that reducing the size of Council is in the wider interests of either the profession or the public;

- there are other ways of bringing in skills and expertise as required;
- more concerned that the make-up of Council reflects the profession, i.e. at least equal number of women to men, and a good age distribution;
- eight respondents were undecided. Views included:
  - better that the appointed group would have the powers to co-opt a limited number of members or set up supplementary working/subgroups from outside the council if additional skills are needed for particular projects;
  - Members could be asked to stand for particular roles - dictated by chair or deputy chair of particular committees. This would allow members to lobby for election on a particular expertise;
- Three respondents did not vote but commented.

**Q15. Do you agree or disagree that a system as set out above would be an appropriate way to provide such a balanced Council?**

**Key Statistics**

Agree	Disagree	Not sure	No response
38%	31%	19%	12%

Of the 46 respondents 19 (41%) provided additional comments as follows:

**Key Themes**

Of the nineteen respondents who provided additional comments the following themes were identified:

- there was a split response:
  - two respondents agreed;
  - eight respondents disagreed;
  - nine respondents were undecided and thought there needed to be more clarity and detail of how this might work- concerns around transparency/increased bureaucracy.
- overall many had concerns that it would end up being 'jobs for the boys'.

## Q16. Are there other ways in which Council could ensure it contains members with a balanced skill set?

### Key Statistics

Yes	No	Not sure	No response
44%	6%	31%	19%

Of the 42 respondents 28 (47%) provided additional comments as follows:

### Key Themes

Of the twenty eight respondents who provided additional comments the following themes were identified:

- most agreed it was possible. Views included advertising for specific skill sets, some suggested age specific skills or regional specific skills; and the importance of lay members. It was suggested members should have training in governance;
- one respondent thought not necessary to have specific skills;
- one respondent suggested to trust RCVS on their appointments;
- one respondent thought additional professional advice could be requested if members didn't have it;
- it was mentioned that the profession is wide ranging and difficult to include all skills if reducing membership.

### Government Response

In line with the consultation response, the government is content to take forward the proposals that:

- Veterinary surgeons should continue to be directly elected to Council;
- Veterinary Nurses on Council. The majority of respondents said that such positions should be filled by direct election. As veterinary nurses that sit on VN Council are already directly elected, and in order to avoid a second election for RCVS Council, we propose VN Council elect or appoint two members to RCVS Council.
- only Veterinary Nurses should be able to vote for Veterinary Nurse positions on Council;
- lay persons should be appointed to Council by an independent and transparent appointments process;

- a body recognised by the RCVS as representing Veterinary Schools should collectively appoint members to Council.

## Terms and conditions of office

**Q17. Do you agree or disagree that a four year term of office for Council Members is still appropriate?**

### Key Statistics

Agree	Disagree	Not sure	No response
81%	6%	8%	6%

Of the 49 respondents 23 (47%) provided additional comments as follows:

### Key Themes

Of the twenty three respondents who provided additional comments the following themes were identified:

- seventeen agreed;
- three respondents disagreed:
  - two respondents in favour of shorter term; and
  - one respondent in favour of longer term.
- Three respondents were undecided, one of which suggested a slightly shorter term would be better.

**Q18. Do you agree or disagree that there should be a limit on consecutive terms of office served by Council Members without a break?**

### Key Statistics

Agree	Disagree	Not sure	No response
85%	8%	0%	8%

Of the 48 respondents 21 (44%) provided additional comments as follows:

### Key Themes

Of the twenty one respondents who provided additional comments the following themes were identified:

- all comments bar one agreeing;
- some variation in number of terms deemed suitable, but suggestions of between 2 and 4 terms.

**Q19. Do you agree or disagree that there should be a restriction on the number of terms served whether or not these are consecutive?**

**Key Statistics**

Agree	Disagree	Not sure	No response
73%	21%	2%	4%

Of the 50 respondents 18 (36%) provided additional comments as follows:

**Key Themes**

Of the eighteen respondents who provided additional comments the following themes were identified:

- fifteen agreeing with a mixed response on the number of terms:
  - one respondent thought 1 term only;
  - other respondents all suggested between 2 and 4 terms;
  - three respondents disagreed. Of these, one respondent was in favour of limitation on consecutive terms but thought members should be able to stand again after a break.

**Q20. If you agree that there should be a limit on consecutive or non-consecutive terms served without a break, what limitations do you believe should be imposed?**

**Key Themes**

Of the forty two respondents who provided additional comments the following themes were identified:

- one respondent thought the focus should be on presidency terms;

- the other responses varied between serving 1 - 4 terms, with breaks of 1-4 years suggested.

**Q21. Do you agree or disagree that the RCVS Council should have a mechanism to remove Council members for issues relating to poor conduct or behaviour?**

**Key Statistics**

Agree	Disagree	Not sure	No response
96%	0%	0%	4%

Of the 50 respondents 21 (42%) provided additional comments as follows:

**Key Themes**

Of the twenty one respondents who provided additional comments the following themes were identified:

- all agreed;
- it was highlighted that this should be done fairly and transparently and not be a way to remove members with unpopular views or to deal with non-attendance;
- it was mentioned that the current law on Misconduct in Public Office might already be used and any additional system could complement this.

**Government Response**

In line with the consultation response, the government is content to take forward the proposals that:

- a four year term of office for Council Members is still appropriate;
- there should be a limit on consecutive terms of office served by Council Members without a break;
- there was some variation in number of terms deemed suitable, but suggestions of between 2 and 4 terms;
- there was some variation in breaks, with periods of 1-4 years suggested;
- RCVS Council should have a mechanism to remove Council members for issues relating to poor conduct or behaviour.

## Flexibility for the future

**Q22. Do you agree or disagree with the proposal to provide flexibility for the future in relation to the constitution of the Council?**

### Key Statistics

Yes	No	Not sure	No response
67%	8%	17%	8%

Of the 48 respondents 18 (38%) provided additional comments as follows:

### Key Themes

Of the eighteen respondents who provided additional comments the following themes were identified:

- nine respondents were in agreement in principle but conscious that only with caution and the need for safeguarding checks;
- five respondents were undecided. Mostly supporting some flexibility for further RCVS governance reforms, particularly given the potential for RCVS taking on regulatory responsibility for additional allied professions under the provisions of the Royal Charter, but that flexibility should not be such that it sidesteps appropriate consultation with the profession.
- four respondents disagreed, emphasising the need for proper consultation and scrutiny by both Houses of Parliament. The governance of a profession that is to serve the public interest in animal welfare and in the public health from food of animal origins should always be decided upon by the parliament of the time. There should not be provision for the profession to adjust its composition without the Parliament overseeing these arrangements. The most important aspect of Council is the public interest question, and only Parliament may make these changes. Giving this power to the RCVS is going far beyond the public interest in self-regulation.

### Government Response

In line with the consultation response, the government is content to take forward the proposals that:

- there should be flexibility for the future in relation to the constitution of the Council.

## How the proposals meet sections 1 & 2 of the LRO

### Section 1: Removal of a burden

**Q23. Do you think the proposals will remove or reduce a burden as explained below?**

#### Key Statistics

Yes	No	Not sure	No response
65%	10%	19%	6%

Of the 49 respondents 17 (35%) provided additional comments as follows:

#### Key Themes

Of the seventeen respondents who provided additional comments the following themes were identified:

- ten respondents agreed that the proposal will remove a burden. Most thought by reducing the size of Council, and introducing technology to vote on matters would enable decision making to be more streamlined;
- four respondents were undecided and three disagreed that the proposal reduced a burden. Views included:
  - size was not a concern, rather good governance, having Members with the right skills;
  - cost savings could be made by not offering payment for loss of earnings, rather than a smaller council;
  - an Operational Board added an extra layer of bureaucracy;
  - size of council was not a burden, more the infrequency of meetings. Cost should not be an obstacle to prevent meeting more frequently as RCVS membership costs were low and profits high.

**Q24. Do you think the evidence shows that the proposed legislative changes will remove or reduce an identified burden?**

#### Key Statistics

Yes	No	Not sure	No response
58%	13%	21%	8%

Of the 48 respondents 11 (23%) provided additional comments as follows:

### Key Themes

Of the eleven respondents who provided additional comments the following themes were identified:

- four respondents were undecided and three disagreed, suggesting there was no evidence that reducing size and cost of Council would guarantee better governance. Also, there was no evidence that Council is inappropriately costly. Other professionals, other than RCVS should be consulted for views.

### Government Response

In line with the consultation response, the government is content with the previous assessment that the required legislative change arising from the final proposal can be taken forward by means of a Legislative Reform Order using the powers in section 1 of the Legislative and Regulatory Reform Act 2006.

**Section 2: ensuring regulatory activities are exercised in a way that is transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed.**

**Q25. Do you think the proposals will secure that regulatory activities will be exercised so that they are transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed as explained below?**

**Key Statistics**

Yes	No	Not sure	No response
58%	10%	23%	10%

Of the 47 respondents 17 (36%) provided additional comments as follows:

**Key Themes**

Of the seventeen respondents who provided additional comments the following themes were identified:

- A significantly smaller Council, with unaccountable appointed members, would not be guaranteed to be an improvement in any of these areas over the current structure, especially if RVNs could be included and University representation reduced.
- The power of being self-regulated is currently and will continue to be open to abuse.
- Accountability and transparency are crucial going forward, but this has been difficult for the RCVS to achieve because of the profession's majority and control. Making the shift to modern regulatory standards will mean the veterinary profession will need to relinquish some of its autonomy and control, however, making difficult decisions now will hopefully prevent regulatory controls being imposed on the profession.
- It can only work if the right people are making decisions. It is not about democracy or transparency.
- No evidence has been produced to support the contention that a smaller Council will perform more efficiently and in a proportionate, accountable and transparent manner.
- If the evidence was taken from the medical profession, then, it is flawed as the current medical and dental regulatory bodies are not functioning well, are very expensive and managed to regulate the dental profession almost into oblivion with a doubling of the registration fee.
- There is no evidence presented in these proposals that will improve Council's actions are exercised in a way that could not be achieved in the existing set-up.

**Q26. Is there any empirical evidence that you are aware of that supports the need for these reforms? Please provide details.**

### **Key Statistics**

Yes	No	Not sure	No response
17%	35%	35%	13%

Of the 45 respondents 9 (20%) provided additional comments as follows:

### **Key Themes**

Of the nine respondents who provided additional comments the following themes were identified:

- The majority of respondents agreed that the RCVS Council is widely perceived by the profession as being out of touch and unaccountable.
- Several respondents provided specific case studies to support their strong views that the RCVS Council has made poor decisions in terms of standard setting and disciplinary cases.

### **Government Response**

In line with the consultation response, the government is content with the previous assessment that the required legislative change arising from the final proposal can be taken forward by means of a Legislative Reform Order using the powers in section 2 of the Legislative and Regulatory Reform Act 2006.

### Section 3: preconditions & restrictions

**Q27. Non Legislative solutions - The policy objective could not be satisfactorily achieved by non-legislative means (section 3(2)(a)). We ask if you agree with our assessment in this regard?**

#### Key Statistics

Yes	No	Not sure	No response
69%	0%	19%	12%

Of the 46 respondents 7 (15%) provided additional comments as follows:

#### Key Themes

Of the seven respondents who provided additional comments the following themes were identified:

- it is important to have this sort of public consultation process and proper Parliamentary scrutiny of proposed changes;
- that the Government should also consider more radical changes to governance of the veterinary profession to bring it into line with other comparable professions.

**Q28. Proportionality - The effect of the provisions are proportionate to the policy objective (section 3(2)(b)). We ask if you agree with our assessment in this regard?**

#### Key Statistics

Yes	No	Not sure	No response
63%	8%	17%	12%

Of the 46 respondents 9 (20%) provided additional comments as follows:

#### Key Themes

Of the nine respondents who provided additional comments the following themes were identified:

- the majority agreed by increasing lay members;
- a few respondents raised that there was a lack of evidence for change.

**Q29. Fair Balance - The provisions of the proposed order will strike a fair balance between the public interest and the interest of any person adversely affected by them (section 3(2)(c)). We ask if you agree with our assessment in this regard?**

**Key Statistics**

Yes	No	Not sure	No response
69%	8%	13%	12%

Of the 46 respondents 7 (15%) provided additional comments as follows:

**Key Themes**

Of the seven respondents who provided additional comments the following themes were identified:

- a few respondents repeated that there was a lack of evidence for change;
- others agreed that it was important that the public had input otherwise the Council could be biased.

**Q30. Necessary protection - The provisions of the proposed order will not remove any necessary protections (section 3(2)(d)). We ask if you agree with our assessment in this regard?**

**Key Statistics**

Yes	No	Not sure	No response
67%	2%	21%	10%

Of the 47 respondents 3 (6%) provided additional comments as follows:

**Key Themes**

Of the three respondents who provided additional comments the following themes were identified:

- while the proposals may be in line with recognised regulatory best practice it should be remembered that the RCVS is also the Royal College for the veterinary profession and the changes may actually be detrimental to that role.

**Q31. Rights and freedoms - The provisions of the proposed order would not prevent a person from exercising any right or freedom which they might reasonably expect to continue to exercise? (section 3(2)(e)). We ask if you agree with our assessment in this regard?**

**Key Statistics**

Yes	No	Not sure	No response
79%	2%	12%	8%

Of the 48 respondents 4 (8%) provided additional comments as follows:

**Key Themes**

Of the four respondents who provided additional comments the following themes were identified:

- some respondents did not believe the current RCVS Council should not be allowed to block proposals for change.

**Q32. Constitutional significance - The provisions of the proposed order should not be constitutionally significant (section 3(2)(f)). We ask if you agree with our assessment in this regard?**

**Key Statistics**

Yes	No	Not sure	No response
73%	0%	17%	10%

Of the 47 respondents 2 (4%) provided additional comments as follows:

**Key Themes**

Of the two respondents who provided additional comments no significant themes were identified.

**Government Response**

In line with the consultation response, the government is content with the previous assessment that the required legislative change arising from the final proposal can be

taken forward by means of a Legislative Reform Order as the preconditions in section 3 of the Legislative and Regulatory Reform Act 2006 have been met.

## Proposal for parliamentary procedure

**Q33. We believe that the affirmative resolution procedure should apply to this LRO. Do you agree with our proposal for parliamentary procedure? Please give your reasons.**

### Key Statistics

Yes	No	Not sure	No response
67%	2%	19%	12%

Of the 50 respondents 8 (16%) provided additional comments as follows:

### Key Themes

Of the eight respondents who provided additional comments the following themes were identified:

- one respondent would have liked to see a more thorough review of the functions of the RCVS;
- others agreed with the affirmative resolution
- one respondent thought super-affirmative resolution as straight forward changes.

### Government Response

In line with the consultation response, the government is content with the previous assessment that the required legislative change arising from the final proposal can be taken forward by means of a Legislative Reform Order and that when this is laid before Parliament the Minister will propose the affirmative resolution procedure.

## The way forward

We will use the views expressed in this consultation and discuss the practicalities of implementation with the RCVS and their Council, in order to formulate the final proposal. We will then hold another short and informal consultation to check that the profession and the public are content.

# Annex A: List of organisations and individuals that responded to the consultation

32 veterinarians

8 non-veterinarians

12 organisations:

- British Hanoverian Horse Society
- Society of Greyhound Veterinarians
- British Equine Veterinary Association
- Animals Deserve Better
- The Farriers Registration Council
- Caring for Companion Animals
- Society of Practising Veterinary Surgeons
- Veterinary Schools Council (VSC)
- Centre for Health Law, Science and Policy, Birmingham Law School, University of Birmingham [2 responses]
- Dogs Trust
- British Veterinary Association