Comment

Getting in on the Act again

ADDRESSING the RCVS’s annual general meeting earlier this month, Stephen May, the incoming president, referred to society’s high expectations of the veterinary profession and pledged that the RCVS would continue to promote and develop its professional regulatory model to make it fit for the 21st century.

Professor May will be chairing the RCVS Legislation Working Party, which will be taking ‘a fresh look’ at the Veterinary Surgeons Act 1966 (VSA) and considering whether the time has come to seek new legislation to regulate the modern veterinary profession. The working party has been set up at the recommendation of the College’s Brexit taskforce, which suggested that, in light of the UK’s decision to leave the EU and what it described as ‘many remaining deficiencies in the existing legislation’, it would be a good time to review the VSA.

The RCVS has been down this road before. It has long maintained that the VSA is in need of reform and in 2003 and 2005 it consulted with its members about whether new legislation would be desirable.

The possibility of a new Act seemed close in 2003 when Defra sought views on reform but, despite saying it was convinced that the Act needed modernising, it did not bring forward proposals for new legislation.

The RCVS subsequently became more proactive in seeking new legislation, and devoted much time and energy to drawing up proposals for how veterinary activity might be regulated. Central among these were proposals to reform the disciplinary mechanisms of the profession, which were felt to be out of step with modern best practice. (The RCVS Council effectively set the standards that the profession had to adhere to and it also dealt with breaches of those standards – a clear overlap of function.)

Other proposals included regulating the delivery of veterinary services though a mandatory practice standards scheme, introducing mandatory CPD and revalidation, regulating veterinary nurses, reducing the size of the RCVS Council and increasing lay representation, and introducing the power to delegate specified procedures to people holding qualifications recognised by RCVS Council.

However, plans for reform were scuppered in 2008 when, during an inquiry by the Environment, Food and Rural Affairs Committee (EFRACom) into whether a new VSA was needed, Defra announced that it did not plan to update the Act in the near future. This was despite having told the committee earlier in its inquiry that the Act was in urgent need of updating to bring it into line with modern concepts of professional regulation.

The department said it did not have the resources to devote to developing a new Act. Following an inquiry, the EFRACom criticised Defra for leaving the situation ‘in a mess’. But it was critical of the profession too, saying that it did not appear to have reached a consensus on what it wanted from a new Act and should ‘iron out its differences’ (the veterinary profession was ‘sharply divided’ over proposals for mandatory CPD and revalidation, mandatory practice standards scheme and regulation of paraprofessionals).

As a result, the RCVS scaled back its proposals, and some reform of the VSA has been achieved in recent years. The introduction of a Legislative Reform Order (LRO) in 2013 separated the disciplinary mechanisms of the College from the RCVS Council. Governance reform is also underway, with another LRO being drafted, which will reduce the size of the RCVS Council from its current 42 members to 24.

Another significant achievement has been the regulation of veterinary nurses. A new Royal Charter granted to the College in 2015 recognised veterinary nursing as a regulated profession and gave registered veterinary nurses the formal status of associates of the College. The RCVS Council is now discussing potential frameworks for regulating paraprofessionals through associate status.

CPD also became compulsory for vets and veterinary nurses with the introduction of new Codes of Professional Conduct in 2012.

So, having achieved many of the reforms that it sought, why is the RCVS again looking at new legislation to regulate the profession? One reason is that, despite managing to introduce both regulation of veterinary nurses and mandatory CPD, neither of these have any underpinning in law. Another is that there is no legal protection of the title ‘veterinary nurse’.

Also, the mandatory practice standards issue has not been addressed. At the BSAVA congress in Birmingham in April, Jacqui Molyneux, chair of the RCVS Practice Standards Group, reported that 60 per cent of UK practices had joined the voluntary Practice Standards Scheme and that when this reached about 67 per cent, the College believed it could have grounds for making the scheme mandatory. However, at present, it does not have the legal powers needed for compulsory practice inspection.

The relationship between the RCVS and BVA has developed since the last time reform of veterinary legislation was discussed in detail. The BVA is represented on the Legislation Working Party and will have its say on what key areas it feels should be considered. The group has been tasked with ensuring that the RCVS’s vision for future legislation is properly considered, so that the College is in a position to respond to future opportunities to support a new Act.

It will also be proposing a list of principles on which new legislation should be based and making recommendations as to whether the new legislation should be a ‘Veterinary Services Act’ covering allied professionals. Importantly, it will be exploring a range of potential solutions, both regulatory and non-regulatory, to remedy any deficiencies that might be identified.

However, once again, achieving a new Act will be dependent on Defra finding the time and resources required. While an optimist might suggest that the legislative reorganisation engendered by Brexit provides an ideal opportunity to make the case for a new Veterinary Surgeons/Services Act, a pessimist might note that further budgetary cuts since 2006 mean that Defra has even fewer resources than last time around, and is likely to have enough on its plate, without considering reform of the legislation governing a small profession. The RCVS itself acknowledges that it could be years before any changes could be taken through parliament.

That said, the vision to emerge from the Vet Futures project was for ‘a profession in charge of its future’. If it is able to better articulate what it wants from the legislation that governs it, it will be in a stronger position to achieve that ambition.

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