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# **Explanatory Document to accompany the draft Legislative Reform (Constitution of the Council of the Royal College of Veterinary Surgeons) Order 2018**

## **Amending the Veterinary Surgeons Act 1966**

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# Chapter 1: Introduction

- 1) This explanatory document is laid before Parliament in accordance with section 14 of the Legislative and Regulatory Reform Act 2006 (“the LRRRA”) together with the draft of the Legislative Reform (Constitution of the Council of the Royal College of Veterinary Surgeons) Order 2018 (“the draft Order”) which we propose to make under sections 1 and 2 of that Act.
- 2) The purpose of the draft Order is to amend the Veterinary Surgeons Act 1966 (“the VSA”). The VSA makes provision relating to the constitution of the Royal College of Veterinary Surgeons (“RCVS”) governing body, the RCVS Council (“the Council”). The changes proposed affect the composition, membership, size and structure of the Council.
- 3) This explanatory document contains information for the Delegated Powers and Regulatory Reform Committee and the Regulatory Reform Committee.

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## Chapter 2: Statutory Requirements

1) The RCVS was established in 1844 by Royal Charter to be the governing body of the Veterinary Profession in the UK. Since 1966 its functions have been underpinned by the provisions of the VSA. It regulates by setting, upholding and advancing standards in veterinary care through both statutory and charter powers. The RCVS is currently governed by a Council of 42 members.<sup>1</sup> The RCVS is also the competent authority for the veterinary profession in the UK. The constitution of the Council is prescribed by section 1 of, and Schedule 1 to, the VSA:

- 24 veterinary members, elected from among themselves.
- Two appointed persons (one must be a veterinarian, the other may be veterinarian or lay) for each university in the UK which has an in-force recognition order<sup>2</sup>. There are currently 14 university appointees.
- 4 persons appointed by the Privy Council. By protocol these are 3 lay persons, plus the traditional appointment of the UK Government's Chief Veterinary Officer.

### Power to make order

2) For the reasons that follow, the Secretary of State for the Department for Environment, Food and Rural Affairs proposes to make the Legislative Reform (Constitution of the Council of the Royal College of Veterinary Surgeons) Order 2018 using the powers in sections 1 and 2 of the LRRRA.

#### *Power to remove or reduce burdens (s.1 LRRRA)*

- a) The current constitution of the Council of the RCVS (in particular size, but also membership) is an obstacle to its efficiency. The VSA currently requires that the Council have 42 members. The cost of each meeting, and the difficulty of ensuring the availability of members, impacts on their ability to take timely decisions and has resulted in a smaller Operational Board being established by the RCVS to progress the Council's work, with a potential lack of accountability for decisions taken. The burden results from the fact that the size of the Council is currently prescribed by primary legislation. If the size of the Council were reduced, the Council could meet more frequently without increasing costs, reaching and communicating decisions more effectively.

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<sup>1</sup> More information on the role of Council can be found at: <http://www.rcvs.org.uk/about-us/rcvs-council/role-of-council-members/>

<sup>2</sup> As defined in s.3(1) of the Veterinary Surgeons Act 1966.

- b) In view of this, the Secretary of State for the Department for Environment, Food and Rural Affairs considers it appropriate to use the order-making power in section 1 of the LRRRA to alleviate the burden on the RCVS.

*Power to promote regulatory principles (s.2 LRRRA)*

- c) Better regulation principles state that regulatory function should be carried out in a way which is transparent, accountable, proportionate and consistent, and targeted only at cases in which action is needed. The current constitution and governance arrangements for the Council, which are set out in primary legislation, impact on the ability of the RCVS to meet those objectives:
- i) Although there are currently up to six lay members, they are appointed by convention by the Privy Council, or by some of the veterinary universities, and are not a statutory requirement.
  - ii) There is currently no representation for veterinary nurses, despite their regulation by the RCVS since 2015.
  - iii) At present the VSA sets the terms of office for all members of Council at four years, however the six elected Council members who have been members for the longest time without re-election are required to retire at the Annual General Meeting regardless of term length. Members are eligible for re-election or re-appointment - there are no restrictions on the number of terms of office that a member may serve. There is also no provision to remove a member from office if their conduct or behaviour is unacceptable or makes it inappropriate for them to hold that office.
  - iv) There are currently 14 Veterinary School members, two from each recognised university. If a new university is awarded a recognition order as a vet school the size of the Council will increase. The next time that this is expected to happen is in 2019. Once the number of appointed and nominated members is equal (24 + 24) then the Privy Council could choose to raise the number of elected veterinary members to ensure that they remain in the majority (using powers in section 1(4) of the VSA).
  - v) Also, as outlined above, it has been necessary for the RCVS to create an Operational Board in order to ensure timely progression of its work. This has led to decision-making being divided between Council and the Board, risking reduced accountability for those decisions.
- 3) In view of this, the Secretary of State considers it is appropriate to use the order-making powers in section 2 of the LRRRA, for the purpose of securing that regulatory functions are carried out in a way which is transparent, accountable, proportionate and consistent, and that they are targeted only at cases in which action is needed:

- **Transparent** – as a body exercising public functions, it is appropriate that the Council has transparent arrangements for electing or appointing members. This order will bring greater clarity to the way all Council members are moved onto Council; i.e. lay people appointed by an independent Committee working in line with Nolan principles, and veterinary nurses appointed by their directly elected Council
- **Accountable** – terms and conditions of office should ensure that the regulator (the Council) is better subject to public scrutiny. The inclusion of veterinary nurses and places formally reserved for lay people on the Council will make Council more accountable to those it regulates and the general public.
- **Proportionate** – the establishment of a more effective size of Council to manage the affairs of the RCVS should ensure more focused decision-making, and so a more proportionate approach to managing the affairs of the RCVS.
- **Consistent** – Council is more likely to be consistent in its management of the affairs of the RCVS with a more efficient “board-like structure”, which is less likely to suffer from fragmentation and clique-formation – and with the removal, after a period of transition, of the dual decision-making mechanism of Council and Operational Board.
- **Targeted only at cases where action is needed**– the newly constituted Council will be better able to focus on strategic matters in order to provide more effective governance and leadership to the RCVS.

## Compliance with section 3(2) LRA pre-conditions

- 4) **Non-legislative solutions:** A non-legislative solution is not available. The constitution and governance arrangements for the Council are laid down by statute - section 1 of, and Schedule 1 to, the VSA. The RCVS has no discretion to deviate from these arrangements and a change in the legislation is the only means available. Without this change in the legislation, the Council will have to continue to delegate some of its work to the Operational Board, who are better able to take time-pressured decisions. This process creates a potential lack of accountability and transparency, as decision making is divided between Council & the Board.
- 5) **Proportionality:** The policy objective is for the RCVS to be governed by a body that can be more effective in carrying out its designated function. The proposed changes achieve this with a reduction in size which will address issues surrounding the efficiency and accountability of decision-making, whilst maintaining sufficient Council members to provide the diversity and capacity it needs to populate its Committees. The proposals are not extreme or sudden changes, as they are phased in over three years to ensure continuity whilst introducing more appropriate, broader representation, comprising elected members of the veterinary profession, members with educational expertise representing the “recognised” university veterinary schools, veterinary nurses, and lay members.



- 6) **Fair Balance:** The Secretary of State is satisfied that the provision in the draft Order strikes a fair balance between the public interest and the interests of any person adversely affected by it, and the proposed changes are overwhelmingly supported by the Council.
- 7) **Necessary Protection:** The proposed order will not remove any necessary protections and should bring governance of the RCVS closer in line with recognised, regulatory best practice. The reduction in the size of the Council will address issues surrounding the efficiency and accountability of decision-making but will also maintain sufficient members to provide the diversity and capacity it needs to achieve its objectives.
- 8) **Rights and Freedoms:** No rights or freedoms will be affected by this proposal. Membership of Council is a public service. Members are elected or appointed for specific terms of office but there should be no expectation of service lasting beyond that appointment. The phasing in of the changes over three years will any reduce the impact on existing members
- 9) **Constitutional Significance:** The provisions are not of constitutional significance.

## Other Ministerial duties under the LRRRA

### *Consultation*

- 10) An eight week public consultation ran from 29 October to 24 December 2015. Copies of the consultation were sent to key stakeholders, the Devolved Administrations and the Parliamentary Committees. Between 21 March 2016 and 11 April 2016 a further informal consultation was conducted.<sup>3</sup> Further information about those consultations, the responses thereto, and the resultant changes to the Government's proposal are set out in Annexes C & D of this document.

### *Parliamentary procedure*

- 11) The Secretary of State for the Department for Environment, Food and Rural Affairs believes that the affirmative resolution procedure would provide the appropriate level of scrutiny of the proposals and therefore should apply to this LRO. The amendments are not purely administrative or technical, however they are otherwise considered to be straightforward, with only limited impact beyond the College itself. They address the efficiency and accountability of decision-making by the Council but do not affect the nature or outcome of the decisions themselves. They are not of such fundamental significance as to require the super-affirmative procedure. This conclusion was supported by the majority (67%) of the respondents who answered this question at

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<sup>3</sup> The consultation is available at <https://www.gov.uk/government/consultations/changing-the-constitution-of-the-council-of-the-royal-college-of-veterinary-surgeons-rcvs>

consultation. Only one person (2%) disagreed, but they did not explain why they considered super-affirmative was more appropriate. 19% were 'not sure'.

### *European Convention on Human Rights*

- 12) It is the view of the Secretary of State for the Department for Environment, Food & Rural Affairs that the provisions of the Legislative Reform (Constitution of the Council of the Royal College of Veterinary Surgeons) Order 2018 are compatible with rights under the Convention.

### *Compatibility with legal obligations arising from membership of the European Union*

- 13) The proposals included in the draft Order are compatible with all the obligations arising from membership of the European Union.<sup>4</sup>

### *Territorial extent*

- 14) The Veterinary Surgeons Act 1966 extends to the whole of the UK. Responsibility has not been devolved to Scotland or Wales but has been transferred to Northern Ireland. Colleagues in the devolved Governments have been informed about the proposed reforms by the UK CVO, and are supportive of our aims. No additional legislative process will be required in any of the other administrations.

### *Matters of interest to the House of Commons – Territorial Application*

- 15) The subject matter of this instrument is transferred to Northern Ireland by virtue of section 4 of, and Schedule 2 and 3 to, the Northern Ireland Act 1988. As such the subject matter of this instrument is within the legislative competence of the Northern Ireland Assembly.

## **Impact Assessment**

- 16) An Impact Assessment has not been prepared for this instrument. The proposed changes affect only the statutory regulator itself (RCVS) and all costs will be incurred by the RCVS. There are no financial implications for business, charities or the voluntary sector, and no costs or obligations are being placed upon business or civil society organisations. There is no impact on the public sector.

## **Contact**

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<sup>4</sup> On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

17) Frank Busch at the Department for Environment, Food & Rural Affairs: Telephone: 020 8026 4962 or email: [Frank.Busch@apha.gsi.gov.uk](mailto:Frank.Busch@apha.gsi.gov.uk) can answer any queries regarding the instrument.

# Chapter 3: Background to the Order

## The Royal College of Veterinary Surgeons (RCVS) and the Veterinary Surgeons Act 1966

### The Royal College of Veterinary Surgeons

- 1) The Royal College of Veterinary Surgeons (RCVS) was established in 1844 by Royal Charter to be the governing body of the Veterinary Profession in the UK. Since 1966 its functions have been underpinned by the provisions of the Veterinary Surgeons Act 1966 (VSA). It regulates by setting, upholding and advancing standards in veterinary care through both statutory and charter powers. In so doing the RCVS seeks to protect the public and to enhance the reputation of the veterinary profession.

### RCVS Council & Committees

- 2) The RCVS statutory and charter duties are steered and governed by a Council of 42 members that usually meets three times a year in March, June and November. More information about the role of Council can be found at: <http://www.rcvs.org.uk/about-us/rcvs-council/role-of-council-members/>. Its **statutory functions are** to:
  - Advise the Privy Council on the recognition of UK veterinary degrees and the conduct of examinations pending recognition of a degree, and to supervise pre-registration veterinary education in the UK.
  - Receive appeals against refusal of registration in certain cases, and remit the appeals to a committee.
  - Decide whether holders of foreign or Commonwealth qualifications have the requisite skill and knowledge to practise in the UK, and recognise qualifications for this purpose.
  - Grant temporary registration in certain cases.
  - Appoint the registrar and publish the register of veterinary surgeons (“the register”).
  - Make regulations concerning the register, notably to provide for fees.
  - Appoint the Preliminary Investigation Committee and Disciplinary Committee.
  - Refer cases of alleged fraudulent registration to the Disciplinary Committee, and appear as the respondent in any appeal against a Disciplinary Committee decision.
  - Make regulations about practice by veterinary students.

- 3) The RCVS is also the competent authority for the veterinary profession in the UK, in the context of the EU Directive on mutual recognition of professional qualifications (2005/36/EC).
- 4) In addition to its statutory functions the Council also:
  - Manages the activities of the College under the Charter including, but not limited to, the regulation of Veterinary Nurses, the implementation of the Practice Standards Scheme, and the awarding of Fellowships, Diplomas and Certificates.
  - Advances veterinary standards by ensuring that the RCVS keeps pace with regulatory best practice.
  - Provides a leadership role on issues impacting the veterinary professions, such as mental health and wellbeing, and preparing for and shaping the future of the provision of veterinary services.
  - Seeks to improve animal health and welfare.

## The current regulatory framework

### The Council of the College: size and constitution

- 5) The constitution of the Council is prescribed in section 1 of, and Schedule 1 to, the VSA. Section 1 of the VSA sets the composition of the RCVS Council as follows:
  - 24 veterinary members, elected from the RCVS, by the RCVS.
  - For each university in the UK for which a recognition order is in force, two appointed persons (one must be a veterinarian, the other may be a veterinarian or lay person). At present there are 14 such members.
  - 4 persons appointed by the Privy Council (by protocol 3 of these are lay persons, plus the UK Government's Chief Veterinary Officer).

Details can be found at <http://www.rcvs.org.uk/about-us/rcvs-council/council-members/>.

### The Council of the College: terms of office

- 6) The VSA sets the terms of office for all members of Council at four years. Each year the six elected Council members who have been members for the longest time without re-election are required to retire at the Annual General Meeting. Persons who retire are eligible for re-election and there are no restrictions on the number of terms of office that a member may serve.

## The need for reform – RCVS Governance

- 7) Issues surrounding the governance arrangements at the RCVS have been raised on a number of occasions in recent years. The report 'Veterinary Surgeons Act 1966' published by the Environment, Food and Rural Affairs Committee of the House of Commons in May 2008 included a recommendation for the restructuring of Council, especially concerning lay membership, suggesting that the proportion of lay membership should be increased.
- 8) The Council itself has been considering changes to its composition since 2009, following a report by its then Veterinary Legislation Group (VLG). As a follow up to the report, a formal consultation exercise was held by the RCVS in July 2009<sup>5</sup>. The consultation sought the opinion of the profession, public and other stakeholders on three key proposals for reform:
- to amend the VSA to separate Preliminary Investigation Committee (PIC) and Disciplinary Committee (DC) from RCVS Council;
  - to widen jurisdiction and powers of PIC and DC;
  - to reform the composition of RCVS Council.
- 9) Following the consultation exercise the then RCVS Officers met with representatives of the VLG to make recommendations for reform to the November 2009 meeting of RCVS Council. On the issue of governance, a recommendation was made that changes to the composition of Council 'should be for consideration in the longer term, when the new disciplinary machinery was in place and the implication of this for Council could be assessed'. This recommendation was approved. During the next few years the RCVS focused on carrying out the first two recommendations as set out above. In July 2015 the Preliminary Investigation Committee (PIC) and Disciplinary Committees (DC) were made fully independent.

### First-Rate Regulator

- 10) In November 2012, the RCVS announced its First-Rate Regulator (FRR) Initiative.<sup>6</sup> The purpose of this initiative was to get an objective picture of where the RCVS were in terms of regulatory effectiveness in the context of other healthcare and professional regulators, with the aim of informing decisions on the delivery of improvements across the organisation.

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<sup>5</sup> [http://www.rcvs.org.uk/document-library/vsa-review-jul-2009/vsa\\_consultation\\_jul09.pdf](http://www.rcvs.org.uk/document-library/vsa-review-jul-2009/vsa_consultation_jul09.pdf)

<sup>6</sup> <https://www.rcvs.org.uk/who-we-are/rcvs-council/council-meetings/5-june-2013/>

- 11) To help with this work the RCVS commissioned research to better understand how it is seen, and where opportunities for change might lie. The FRR report 'Best Regulatory Practice', of February 2013, was the fourth in a series of research reports prepared on behalf of the RCVS.<sup>7</sup> Three previous research studies had explored how the RCVS is perceived by veterinary surgeons, veterinary nurses, practice managers, RCVS staff, and a range of external stakeholders, including members of the public who had made a complaint about a veterinary surgeon. The report covered the findings of desk research exploring best practice in professional regulation, particularly relating to the health and legal professions, together with four case studies of international veterinary regulation.
- 12) Following on from these four reports, in April 2013 'First Rate Regulator Initiative: Recommendations' was published, identifying a number of areas for improvement within the RCVS and suggesting recommendations to help develop or facilitate change<sup>8</sup>.
- 13) In the section on Governance, it was highlighted that, as a regulator, the RCVS's governance structure was out of step with the governance arrangements adopted by the health professional regulators (covering 31 professions), the legal services regulators and the four international veterinary regulators examined for the best practice paper. Recommendation 1e was that the RCVS should undertake a self-assessment of the effectiveness of its governance arrangements, including how effectively decisions are made (considering the size of the Council).
- 14) In the section covering 'RCVS Council Membership', priorities identified by Council members in terms of the composition of the Council were set out, including concerns about the size of Council, which was perceived as being too large, and the balance of member types – specifically the balance between academic and elected members. It was also highlighted that *'... one way to increase diversity across the Council would be to expand the lay membership. Lay people play an important role in helping to ensure that purely professional concerns do not dominate the work of governing councils. They are fundamental to demonstrating accountable and independent regulation. To discharge this role, they need to operate independently and to be awarded the same status on the governing council as professional members... the RCVS may consider that it is important to demonstrate consistency within the organisation in its approach to lay members on its governing boards.'*
- 15) In response to the findings of the FFR, the RCVS launched the Operational Board. The motivation behind the creation of the Operational Board was to address, at least in part, the issues of size and frequency of Council meetings. Further information on the Operational Board can be found at: <http://www.rcvs.org.uk/about-us/operational-board/>. Since then, the Council has delegated oversight of certain matters to the Operational Board, including management of all College business, matters of governance, and management of resources. The Board then reports back to Council.

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<sup>7</sup> <https://www.rcvs.org.uk/document-library/best-regulatory-practice-report/>

<sup>8</sup> <https://www.rcvs.org.uk/document-library/first-rate-regulator-initiative-recommendations/>

- 16) Although the Operational Board has helped to progress work when this has not been possible in Council, due to a lack of time and the small number of meetings each year, some on the Council feel too removed from decision making. If the size and structure of Council is reformed it will remove the need for the Operational Board.
- 17) The FRR report included advice from the Council for Healthcare Regulatory Excellence (CHRE), now the Professional Standards Authority, on the efficiency and effectiveness of health professional regulators. It suggested that smaller boards, in the range of 8 to 12 members, were associated with greater effectiveness. Moving to smaller boards requires moving away from the concept of 'representativeness' in membership, with CHRE arguing this concept was no longer valid for a regulatory board: *'Small boards cannot 'represent' all relevant constituencies or stakeholders nor should they attempt to do so. Rather, boards should demonstrate the knowledge, understanding and awareness to properly take into account relevant interests, such as those of different groups of professionals or the different health systems in the UK, but they should not attempt to 'represent' them....it is CHRE's observation that some Council members of regulators still see themselves as bringing the perspective of a particular interest group to the board rather than being solely focused on effective governance in the interests of patients and the public.'*

## The need for reform - composition of Council

- 18) A consequence of having a Council of 42 is that it is usually able to meet only three times a year. It is expensive for Council to meet more often, as each Council meeting costs circa £24k through reimbursement of expenses and loss of earnings. As Council cannot meet often enough to take any time-pressured decisions (as noted above) it has been necessary to delegate some of its work to an 'Operational Board'. Decision-making is currently divided between Council and the Board, with a potential for lack of accountability for those decisions. At present Veterinary Surgeons, Veterinary Nurses and the animal owning public are affected by delays and difficulties related to decision-making under the current governance arrangements. If the size of the Council were reduced, the Council could meet more frequently without increasing costs, reaching and communicating decisions more effectively.
- 19) The current composition is described in paragraph 3 of this chapter, and is a mix of elected veterinarians, persons appointed by the Privy Council and members nominated by each veterinary school. In addition to the points above, the issues raised by the current statutory provision are:
- a) The Council needs to represent and be accountable to the profession it regulates. Now that RCVS is the regulator of the veterinary nursing profession through the provisions of the Supplemental Charter of February 2015, it is appropriate to provide for Veterinary Nurses to have a place on Council.
  - b) Currently the VSA does not include a statutory requirement for lay people to be included on Council. The current tradition of appointing lay people to Council via the Privy Council or by appointment by the Veterinary Schools is not sufficiently robust. Recent regulatory reform has been underpinned by a need to sustain or



boost public confidence in the way professions are regulated. For example, regulators have accepted and even embraced sharing responsibility for regulation between professionals and the public, with parity of lay people and registrants on governing boards. Statutory provision for independently appointed lay representation on Council would be beneficial.

- c) The size and composition of the Council is also affected by the number of Veterinary School members. Each recognised university has two places on the Council, so if a new university is awarded a recognition order as a vet school the size of the Council will increase. The next time that this is expected to happen is in 2019, meaning the Council would be 44 members strong. Once the number of appointed and nominated members is equal (24 + 24) then the Privy Council could choose to raise the number of elected veterinary members to ensure that they remain in the majority. It is essential that Council continues to benefit from the collective academic expertise of the UK Universities with accredited veterinary degrees: but it is also necessary to address the problems of an unworkably large Council. Against this background, UK Veterinary Schools were content for their representation on Council to be reviewed.

## **The need for reform – terms and conditions of office**

- 20) Terms of office are currently set for all members of Council at four years, however, there are no restrictions on the number of terms of office that a member may serve.
- 21) Term limits can be an important aspect of good governance. The RCVS's FRR Initiative found the potential long terms of service of elected Council Members to be of concern, questioning whether they were consistent with the regulatory principles in section 2 of the LRRRA, especially as regards transparency and accountability.
- 22) It is also problematic that the VSA does not provide a mechanism for removing a member of Council from office if their conduct or behaviour is unacceptable or makes it inappropriate for them to hold office. Since the enactment of the VSA in 1966, expectations on those holding public office and their fitness to serve in such a capacity have increased.

## **Chapter 4: The detailed proposals and the draft Order**

The following chapter of this explanatory document provides a summary of the provisions of the draft Order, together with an explanation of the policy and some operational context.

### **1) Structure and commencement**

- a) The draft Order proposes amendments to sections 1 and 25 of, and Schedule 1 to, the Veterinary Surgeons Act 1966 (VSA).
  - Part 1 of the draft Order sets out the coming into force dates of the various parts of the Order. These are discussed in more detail in paragraph 6 of this chapter.
  - The amendments at Part 2 start the process of reducing the size of the Council from 1<sup>st</sup> July 2018. They also make changes relating to the constitution of the Council and to the appointment, re-appointment and removal of members of the Council. Definitions of a 'lay person' and a 'veterinary nurse' are inserted into section 1 by article 3(6) of the draft Order.
  - The amendment at Part 3 continues the process of reducing the size of the Council from 1<sup>st</sup> July 2019.
  - The amendments at Part 4 further reduce the size of Council from 1<sup>st</sup> July 2020, and change the procedure for appointing university members of the Council.
  - The amendments at Part 5 complete the process of gradually reducing the size of Council from 1<sup>st</sup> July 2021.
- b) Keeling schedules showing the proposed amendments are set out at Annex F.

### **2) Changes to the size of RCVS Council**

- a) The RCVS Council is currently 42 members, meaning it needs to rely on a non-statutory Operational Board composed of 7 Council members and 2 executive staff members. The draft Order proposes a reduction in the overall size of the Council in order to overcome the main issue identified in the First Rate Regulator (FFR) report. The large size is a regulatory burden that can be reduced, increasing the efficiency of the Council.

- b) The draft Order proposes an overall reduction from 42 members to 24. This is in line with responses to the consultation exercise. The Council for Healthcare Regulatory Excellence (CHRE) report suggested an optimum membership for a board-like structure of 8-12 members. However it is considered that a reduction of the scale proposed will address issues surrounding the efficiency and accountability of decision making, whilst providing a Council of a sufficient size to provide the diversity and capacity it needs to populate its Committees.

### 3) Changes to the composition of RCVS Council

The draft Order also proposes changes to the composition of Council, with the future make-up consisting of: elected veterinary surgeons; appointed veterinary nurses; Council members with educational expertise appointed jointly on behalf of the UK university veterinary schools; and independently appointed lay-persons. Details of the changes are as follows:

- a) **A gradual reduction in number of directly elected vets from 24 to 13.** Under the proposal there will, at the end of the transitional period, be 13 directly elected veterinary surgeons. This ensures elected vets continue to have majority representations, in line with consultation responses.
- b) **The introduction of a statutory requirement for six independently appointed lay persons.** Appointments will be made by an independent committee working in line with the Nolan principles. These positions would replace the four currently appointed by the Privy Council. At the moment there is no statutory requirement to have lay members. This proposal was strongly supported in the consultation and should enhance public confidence in the College.
- c) **A reduction in the number of members appointed by UK Universities with accredited veterinary degrees, from (currently) fourteen to three.** The consultation generated a number of suggestions for reducing the number of university positions on the Council. In line with some of those responses, rather than allowing each university to appoint two members each, the draft Order proposes that a total of three should be appointed by recognised universities acting jointly. The Veterinary Schools Council – which is currently recognised by the RCVS as representing the UK vet schools collectively - is expected to fulfil that role. The potential number of positions was discussed with the RCVS and the Veterinary Schools Council. The current proposal is considered adequate to provide the necessary breadth and depth of educational expertise and continues to recognise that universities represent future generations of vets and members of the Royal College.
- d) **Veterinary nurses.** The draft Order proposes two veterinary nurse positions appointed by the Veterinary Nurses' (VN) Council (which is a non-statutory committee of RCVS Council). The consultation showed strong support for having dedicated positions for Veterinary Nurses on Council, with the majority of respondents suggesting positions should be filled by direct election, rather than by an independent appointments panel. However, the veterinary nurses who sit on VN Council are already directly elected, and in order to avoid a second election for

representation on RCVS Council we propose two members be directly appointed by VN Council to RCVS Council. Both the RCVS and the VN Council are satisfied with this proposed approach.

- e) **Position for the Government Chief Veterinary Officer (CVO).** In order to maintain a formal link between RCVS and Government / Defra, the draft Order proposes that the UK CVO (currently one of the Privy Council appointees) should be entitled to attend Council meetings, but only as an observer. The CVO will be able to address Council when there are specific issues or concerns, however they will no longer be a full member of Council.

#### 4) Election/Appointment systems

- a) **Veterinary membership:** It is proposed that the system remains as now, i.e. via a one-off election where every registered member of the College is free to stand for election and is eligible to vote.
- b) **Veterinary nurses:** No change is proposed to the way in which positions on the VN Council are currently filled, i.e. by direct election. As outlined above, it is proposed that the VN Council should then appoint two members to the RCVS Council.
- a) **Lay members:** The appointments of lay persons will be made by an independent committee working in line with the Nolan principles.
- b) **Educational expertise:** The universities in the UK whose veterinary degrees are recognised under section 3 of the VSA will collectively appoint 3 persons to be members of the Council.

#### 5) Terms and conditions of office

- a) **Terms of office:** It is proposed that terms of office remain at 4 years but that a maximum limit of three consecutive terms is introduced. A mandatory 2 year break would be required before a person could stand for membership of the Council again. The consultation demonstrated a strong support for keeping the term of office for Council members at 4 years but introducing a maximum number of consecutive terms. A three term limit is proposed in order to provide adequate opportunity for Council members to gain the experience that may be needed to stand for election as President.
- b) **Behaviour / Conduct:** The draft Order proposes a mechanism by which Council members may be removed for issues relating to poor conduct or behaviour. The Council is responsible for regulating the veterinary profession, and it is felt that its members should meet acceptable standards of conduct and behaviour. There was unanimous support for such a mechanism in the consultation. Many professions include a similar provision in their governing rules or legislation (e.g. The General

Medical Council (Constitution) Order 2008)<sup>9</sup>. The RCVS itself has already included a similar provision for members in its Preliminary Investigation and Disciplinary Committees. In preparation for these changes the RCVS Council approved a 'Code of Conduct for Council Members and detailed policies for managing complaints about Council Members at its September 2017 meeting.<sup>10</sup>

## 6) Transitional arrangements

It is envisaged that the new arrangements will be phased in from the RCVS Annual General Meeting in July 2018.

Changes directly resulting from this draft Order:

- a) **Privy Council appointees:** The four Privy Council appointees would be replaced by six lay persons appointed under the new appointment scheme from 1 July 2018.
- b) **The positions for the individual Veterinary Schools:** The current two positions per school would be reduced to one position per school from 1 July 2018. After two years, this would change to three places overall, appointed by the UK veterinary schools collectively. This staggered transition is supported by the Veterinary Schools Council and ensures an appropriate balance of members during the transition process.
- c) **Veterinary Nurse members:** These two positions would be appointed onto RCVS Council by VN Council from 1 July 2018.
- d) **Chief Veterinary Officer (CVO) for the United Kingdom:** The CVO, who is currently appointed by Privy Council, will cease to be member of the Council from 1 July 2018 however they will continue to be entitled to attend meetings of the Council.

Operation changes by the RCVS in support of the draft Order:

- e) **Operational Board:** The RCVS propose retaining the current Operational Board for the first 2 years in order to help manage the transition process. It will then be disbanded.
- f) **Elected members:** The RCVS proposed that the current elected members be allowed to see out their terms but a new election scheme would be introduced immediately. Each year when six Council members reach the end of their terms, elections would be held for only three (4 in year 3) of these positions. The Council would gradually reduce to its new size:

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<sup>9</sup> SI 2008/2554

<sup>10</sup> <https://www.rcvs.org.uk/document-library/code-of-conduct-for-council-and-committee-members/>

**Table showing Council numbers now and over a three year transition period**

	<b>Current</b>	<b>Year 0 (2018)</b>	<b>Year 1 (2019)</b>	<b>Year 2 (2020)</b>	<b>Year 3 (2021)</b>
<b>Elected</b>	24	21	18	15	13
<b>Lay</b>	-	6	6	6	6
<b>Vet school</b>	14	7	7	3	3
<b>VN</b>	-	2	2	2	2
<b>Privy Council</b>	4 (inc CVO)	-	-	-	-
<b>Total</b>	42	36	33	26	24

# Chapter 5: Consultation

## Details of the consultation

- 1) A public consultation was held for 8 weeks from 29 October 2015 to 24 December 2015<sup>11</sup>. The consultation sought views on proposals to amend the VSA to alter the size and composition of RCVS Council. It also sought views on whether a Legislative Reform Order was an appropriate mechanism for making these changes, whether the preconditions in section 3(2) of the LRRRA were met and whether the proposed level of parliamentary scrutiny was appropriate. The consultation document did not contain a draft Order.
- 2) As well as making the consultation available online, copies of the consultation document were sent to stakeholders, the devolved administrations and the Parliamentary Committees. A list of those to whom the consultation was sent is at Annex A and a list of those who responded at Annex B. For the purposes of analysis, the 52 respondents have been categorised by Defra as follows: 12 organisations and 40 individuals (32 veterinary surgeons and 8 other interested persons). Not every respondent answered every question.
- 3) A summary and analysis of responses was published on the Defra website in March 2016.<sup>12</sup> Ten respondents requested that their comments be treated as confidential. Their views are recorded in the government response but not attributed. Copies of all the non-confidential responses received can be seen by contacting the Veterinary Surgeons Act Team.<sup>13</sup>
- 4) Between 21 March and 11 April 2016 a further short informal consultation<sup>14</sup> was held. A link to the second consultation document was sent to the organisations listed in Annex A, as well as anyone who responded to the first consultation. A list of those who responded to the second consultation is at Annex B. The informal follow up consultation was to provide the opportunity to comment further on the proposal we had developed. An analysis and response was published in June 2016.<sup>15</sup>
- 5) The draft Order has been prepared taking both rounds of consultation into account.

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<sup>11</sup> The consultation is available at [https://consult.defra.gov.uk/animal-health-and-welfare/rcvs\\_council\\_reform/](https://consult.defra.gov.uk/animal-health-and-welfare/rcvs_council_reform/)

<sup>12</sup> The consultation is available at <https://www.gov.uk/government/consultations/changing-the-constitution-of-the-council-of-the-royal-college-of-veterinary-surgeons-rcvs>

<sup>13</sup> Defra, Veterinary Surgeons Act, RCVS Consultation team, Area 5A, Nobel House, 17 Smith Square, London, SW1P 3JR

<sup>14</sup> This consultation took place on Citizen Space and can no longer be accessed, but the analysis & response is still available

<sup>15</sup> <https://www.gov.uk/government/consultations/changing-the-constitution-of-the-council-of-the-royal-college-of-veterinary-surgeons-rcvs>

## Details of the responses received to the first consultation and the Government response

- 6) The overall response to the first consultation, from 29 October to 24 December 2015, was positive with the majority of respondents in favour of the proposals. There was overwhelming support for the change to the membership of the Council and very strong support to have a mix of both lay and veterinary membership and to include veterinary nurses on Council. Overall it was recognised that the changes will make the Council more open and transparent and reduce burdens.
- 7) Excerpts from the government response to the first consultation, published in March 2016, can be found at Annex C.

## Main findings from the informal consultation

- 8) As noted above, between 21 March and 11 April 2016 further views were sought from all those affected by, or who engaged with, the proposals. The further consultation proposed a 25 member Council comprising:<sup>16</sup>
  - 13 elected veterinary surgeons;
  - 6 appointed lay persons;
  - 3 members appointed on behalf of the UK veterinary schools;
  - 2 veterinary nurses, elected/appointed by VN Council;
  - (in the future) 1 position for an associate member appointed to Council by a body recognised by the RCVS as representing them.
- 9) A summary of responses is set out in Annex D. Copies of all the non-confidential responses received can be seen by contacting the Veterinary Surgeons Act Team.<sup>17</sup>

## Full Government response and final proposal

- 10) In light of the strong support for the proposed reforms, the Government decided to take forward the proposal outlined in the second, informal consultation with only small refinements.
- 11) The main change was that the proposal for providing flexibility for the future - in line with the Government's response to the comments received on Q.22 of the initial

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<sup>16</sup> The consultation is available at <https://www.gov.uk/government/consultations/changing-the-constitution-of-the-council-of-the-royal-college-of-veterinary-surgeons-rcvs>

<sup>17</sup> Defra, Veterinary Surgeons Act, RCVS Consultation team, Area 5B, Nobel House, 17 Smith Square, London, SW1P 3JR



consultation - was not taken forward. The Government had proposed including one vacant place on Council for a veterinary associate, in the case of a new body being set up in the future requiring regulation by RCVS (along similar lines to the recent incorporation of veterinary nurses). However it was decided that this was not workable, as there was no certainty that the Council would ever regulate such a group.

- 12) It was decided not to continue to require the six elected members of the Council who had served for the longest time without re-election to retire each year. With the reduced numbers of directly elected veterinary members, and the introduction of new rules around re-election and re-appointment, this provision was no longer thought to be necessary. The draft Order therefore removes the requirement from the VSA.
- 13) In our final proposal we considered whether there should be a future formal position on Council for the Government Chief Veterinary Officer (CVO), and proposed that the CVO (currently one of the Privy Council appointees) instead be entitled to attend Council meetings as an observer, and be asked to address Council when there are specific issues or concerns. One respondent suggested the presence of the UK CVO on the Council was essential as there were many issues where the work of Defra and the RCVS were inseparable, complementary or very closely related. We considered whether this should be taken forward as an ex-officio (non-voting) position created for the CVO in order to maintain a formal link between RCVS and Government / Defra. However, after discussions with the CVO and the RCVS it was agreed that our original proposal was sufficient to ensure a continued role for the CVO. It also limits the scope for conflicts of interest, which could arise if the CVO (as a senior representative of Defra) were involved in decision-making that was later subject to review by the Privy Council (on advice from the Department).
- 14) Given the minor nature of the proposed changes, it was thought appropriate to proceed without further consultation. The RCVS Council is content with the proposals as set out in the draft Order.
- 15) In response to the other points made to the final proposal:
  - a) Two respondents expressed concerns that the proportion of lay people was too small in order to protect animal welfare and the public interest. Our view is that the proposed introduction of six independently appointed lay persons as part of a smaller overall Council should satisfy conditions of transparency, accountability and consistency and be sufficient to protect the public interest. Under the current system there are no statutory positions for lay persons. Future appointments will be made by an independent selection committee set up to advise on the appointment of lay Council members. An external recruitment agency will advertise the vacancies, receive and sift applications, interview an initial selection of candidates (long list) and recommend and provide shortlisted candidates for interview by the selection committee. Council will appoint lay members based upon the recommendations made by this committee. RCVS plans to work in line with the Nolan principles / the Code of Practice for Public Appointments. Appointing persons selected against an advertised job specification should ensure that those recruited onto Council will have the necessary skills and experience to discharge the functions required of them. This proposal to increase lay membership was strongly supported in the consultation.

- b) In line with the majority of consultation responses (73% agreed) our final proposal ensures elected vets have a majority. One respondent disagreed that directly elected vets should retain a majority, with a view that there should be a majority of non-veterinary surgeons so as to safeguard the assurance function and to maintain the confidence of the public. We feel that the reduction in the number of directly elected vets from 24 to 13 and the introduction of additional lay and VN members is sufficient to safeguard this function.
- c) One individual vet and one organisation said they would prefer a maximum of three terms of office with no option to return to ensure a constant flow of new blood. One respondent asked whether the terms of office and disciplinary procedures would be the same for all members of Council. Our proposal is that the terms of office should remain at four years, with a maximum limit of three consecutive terms and a mandatory two year break before a person could stand again. The full consultation demonstrated strong support for retaining the current term of office for Council members but introducing a maximum number of consecutive terms. The three term limit is proposed in order to provide adequate opportunity for Council members to develop the experience they might need to stand for election as President. The terms of office and disciplinary procedures will be the same for all Council members.

## Conclusion

- 16) We believe the final proposal as set out in the LRO meets the aims of the reform, which is to enable the Council to work more efficiently, with enhanced accountability to the profession and public. The changes should ensure that the RCVS is constituted and operating in line with the five principles of Better Regulation, reducing the burdens on it and allowing it to better serve the public interest.
- 17) In light of the consultation responses received, the Secretary of State for the Department for Environment, Food & Rural Affairs considers that the proposals should be implemented as set out in the draft Order, which should be laid before Parliament under the affirmative procedure.

## Annex A: list of consultees

- Aberystwyth University
- Alan Brown & Associates Veterinary Surgeons
- Animal Aid
- Animal Care College
- Animal Concern Advice Line
- Animal Defenders International
- Animals Deserve Better
- Animal Health and Welfare Board for England
- Animal and Plant Health Agency
- Animal Health Trust
- Association of British Veterinary Acupuncturists
- Association for the Scientific Study of Veterinary and Animal Psychotherapy
- Association of Veterinary Surgeons Practising in Northern Ireland
- British and Irish Association of Zoos and Aquariums
- British Camelids Ltd
- British Cattle Veterinary Association
- British Equine Veterinary Association
- British Horseracing Authority
- British Horse Society
- British Small Animals Veterinary Association
- British Trout Association
- British Veterinary Association
- British Veterinary Chiropractic Association

- British Veterinary Dental Association
- British Veterinary Nursing Association
- British Veterinary Union in Unite
- British Veterinary Rehabilitation and Sports Medicine Association
- Canine and Feline Sector Group
- Cattle Health and Welfare Council
- Companion Animals Welfare Council
- Department for Agriculture and Rural Development, Northern Ireland
- Edinburgh University, Royal (Dick) School of Veterinary Studies
- Equine Health and Welfare Strategy Group
- Equine Reproduction.Com
- Equine Reproductive Services
- Equine Reproduction UK
- Dogs Trust
- Farm Animals Welfare Council
- Farmers Union of Wales
- Farriers Registration Council
- Federation of Veterinarians of Europe
- Foods Standards Agency
- Genus Breeding Ltd
- Goat Veterinary Society
- Governing Council of the Cat Fancy
- Greyhound Board of Great Britain
- Harper Adams University
- Hobgoblins Stud

- International Cat Care
- International Veterinary Chiropractic Association
- Kennel Club
- Kingston Maurward College
- National Equine Welfare Council
- National Association of Veterinary Physiotherapist
- National Farmers Union
- National Farmers Union, Scotland
- National Farmers Union of Wales
- National Sheep Association
- People's Dispensary for Sick Animals
- Pig Health and Welfare Council
- Poultry Health and Welfare Group
- Royal Army Veterinary Corps
- Royal College of Veterinary Surgeons
- Royal Society for the Prevention of Cruelty to Animals
- Royal Veterinary College, London
- Scottish Government
- Scottish Society for the Prevention of Cruelty to Animals
- Sheep Health and Welfare Council
- Small Animals Medicine Society
- Taylor Livestock Consultancy Limited
- Thoroughbred Breeders Association
- Twemlows Stud
- University of Bristol, Veterinary School

- University of Cambridge, Department of Veterinary Medicine
- University of Glasgow, Veterinary School
- University of Liverpool, School of Veterinary Science
- University of Nottingham, Veterinary School
- University of Surrey
- Valley Agricultural Software
- Veterinary Defence Society
- Veterinary Development Council
- Veterinary Practice Management Association
- Vetsonic
- Welsh Government
- World Horse Welfare
- World Society for the Protection of Animals
- Worshipful Company of Farriers

# Annex B: List of organisations and individuals that responded to the consultations

## To the first 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

## To the follow-up consultation

5 veterinarians

1 non-veterinarian

7 organisations:

- Society of Greyhound Veterinarians

- British Equine Veterinary Association
- The Farriers Registration Council
- Caring for Companion Animals
- Society of Practising Veterinary Surgeons
- Centre for Health Law, Science and Policy, Birmingham Law School, University of Birmingham
- University of Surrey



# Annex C

## Main findings from the October- December 2015 Consultation on proposals to amend the governance structure of the Royal College of Veterinary Surgeons, and amend the Veterinary Surgeons Act 1966 using a Legislative Reform Order

### Composition of Council

**Q1. Elected veterinary surgeons:** as a self-regulating profession it is considered appropriate that elected veterinary surgeons should continue to form the majority on Council. **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

- 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. Veterinary nurses:** The Council needs to represent the profession it regulates. Given the role the RCVS has as the regulator of the veterinary nursing profession following the introduction of the new Charter (of 17 February 2015), it is appropriate that there should be dedicated positions on RCVS Council for Veterinary Nurses. **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

- 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. Educational expertise:** It is essential that Council continues to benefit from the collective educational expertise of the UK Universities with accredited veterinary degrees, but it is proposed that the number should be reduced and the method of appointment changed. At present each university is required to appoint two persons, of whom at least one is a vet; meaning 14 members of the current Council are directly appointed by individual universities. An alternative would be for a smaller number of Council members with educational experience to be collectively appointed to Council by a body recognised by the RCVS as representing Veterinary Schools. **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 as follows:

### Key Themes

- 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 deputies 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. Lay members: 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**

- 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;
  - 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.** Discussion has suggested that the overall size of the Council should be reduced in order to overcome the main issue found in the First Rate Regulator (FFR) report; at present the Council is less efficient than it should be and that this is a regulatory burden that can be removed. We have considered a range of alternative sizes, and a minimum of a 25% reduction in Council membership is thought appropriate. **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

- 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?

Of the thirty one respondents who provided comments, 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?

Of the twenty one respondents who provided comments, the majority of respondents suggested retaining 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. Veterinary membership:** the proposal is that the system remains as now, i.e. via a one-off election where every registered member of the College is free to stand for election and is eligible to vote. **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 comments as follows:

### Key Themes

- 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 currently vote in the electoral system.

**Q9. Veterinary nurses:** Now that RCVS is the regulator of the veterinary nursing profession through the provisions of the Supplemental Charter of February 2015, it is proposed that Veterinary Nurses should have dedicated places on Council, and so a system of election or appointment would be required. Suggestions for the ways in which this can be carried out are by **direct elections**, as with veterinary surgeons, or by

**appointment** by an independent panel working in line with the Nolan principles<sup>18</sup>. **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**

- 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%

<sup>18</sup> The Seven Principles of Public Life from the Report of the Committee for Standards in Public Life (The Nolan Report) are as follows: **Selflessness**- holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends. **Integrity**- holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that may influence them in the performance of their official duties. **Objectivity**- in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit. **Accountability**- holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office. **Openness**- holders of public office should be as open as possible about all their decisions and the actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands. **Honesty**- holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. **Leadership**- holders of public office should promote and support these principles by leadership and example.

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

### Key Themes

- twenty four disagreed, 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.** If a statutory requirement for lay representation were to be introduced, then a method of appointment would also need to be decided. A formal and transparent appointment system for lay representation on Council would give rise to public confidence in the Council's decisions **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

- fifteen agreed, 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 MRCVS 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. Educational expertise:** If there are no longer to be two members on Council appointed by each university, then a new appointment provision would need to be agreed. It was suggested that a smaller number of Council members with educational experience should be collectively appointed to Council by a body recognised by the RCVS as representing Veterinary Schools. **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

- fourteen respondents agreed 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:
  - Veterinary Schools should retain the right of appointing whomsoever they wish. 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
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21%	23%	31%	25%
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Of the 39 respondents 13 (33%) provided additional comments – the majority of those commenting suggesting one appointee from each vet school.

**Q14. Skills & experience:** If the size of Council is reduced, then a mechanism may be needed to ensure that Council overall contains members with the appropriate balance of skills and experience. **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**

- 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 them was 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;
  - a preference 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 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;

- 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.** One alternative suggestion is RCVS setting up an additional body of elected veterinary surgeons and veterinary nurses, together with appointed lay persons, who would then appoint Council members from amongst their number. **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

- 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**

- 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.

## 18) Terms and conditions of office

**Q17.** When revising the governance at RCVS it was proposed that members should retain a term of office. This has worked well, both in the veterinary profession as well as in others, as a four-year term. It is also suggested that consideration should be given to limit the number of terms a member can serve. It is intended that this provision should apply to all Council members. Any revised terms of office need to create a balance between giving sufficient time to build up experience/ maximise contribution and allowing fresh perspective/ new approaches. **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

- seventeen agreeing;
- 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

- 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**

- fifteen agreed 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?**

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.** It is suggested that there should be “fitness to serve” provisions for all members of Council, so that it would be possible to remove a member from office if their conduct or behaviour is unacceptable or makes it inappropriate for them to hold that office. Many professions include a similar provision in their governing rules or legislation (e.g. General Medical Council (Constitution) Order 2008 (SI 2008/2554)). The RCVS itself has already included a similar provision for members in its Preliminary Investigation and Disciplinary Committees. The Council is responsible for regulating the veterinary profession, and it is felt that its members should meet acceptable standards of conduct and behaviour. **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

- 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.** The legal provisions regarding the Council of the RCVS are contained prescriptively in the Veterinary Surgeons Act 1966. To address this we are considering asking Parliament to put in place provisions in the VSA which would mean future changes could be made more easily. An example would be secondary legislation made by Government Ministers. **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

- 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.

### Government Response

In line with the consultation response, the government was 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

NOTE: The preamble to these questions was set out in the consultation as on page 3 of this Explanatory Document. The full text has not been duplicated in this section.

### Q23. Do you think the proposals will remove or reduce a burden?

#### 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



- ten respondents agreed that the proposal will reduce or 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 or removed 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: four respondents were undecided and three disagreed, suggesting there was no evidence that reducing size and cost of Council would guarantee better governance.

### 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 LRRRA.

## **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.**

NOTE: The preamble to these questions was set out in the consultation as on page 3 of this Explanatory Document. The full text has not been duplicated in this section.

**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**

- 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 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

- The majority of the 9 comments were in regard to the RCVS Council being 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 LRRRA.

## Section 3: preconditions & restrictions

NOTE: The preamble to these questions was set out in the consultation as in pages 4 & 5 of this Explanatory Document. The full text has not been duplicated in this section.

**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: it is important to have this sort of public consultation process and proper Parliamentary scrutiny of proposed changes; 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: the majority agreed with 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: 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: 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: some respondents did not believe the current RCVS Council should 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- 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 LRRRA have been met.

**Proposal for Parliamentary procedure**

NOTE: The preamble to this question was set out in the consultation as in page 5 of this Explanatory Document. The full text has not been duplicated in this section.

**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
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67%	2%	19%	12%
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Of the 50 respondents 8 (16%) provided additional comments as follows:

### **Key Themes**

- 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 was more appropriate but did not comment on why.

### **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.

## Annex D

### Main findings of the second, informal consultation in March - April 2016 on proposals to amend the governance structure of the Royal College of Veterinary Surgeons

#### Size of council

We proposed a reduction from 42 to a maximum of 25 members. Responses were:

- The smaller size will increase agility and ease of decision making but members of council will have an increased responsibility to fairly represent views of the membership.
- The reduction in the overall size of the Council is to be welcomed. It should make the Council more manageable, while allowing for the involvement of lay persons and for veterinary nurses to be represented will bring new sets of skills.

#### Composition of council

- a) We proposed:
  - i) A reduction in number of directly elected vets from 24 to 13.
  - ii) The introduction of six independently appointed lay persons
  - iii) A reduction from 14 current members appointed by the UK Universities with accredited veterinary degrees, to three members appointed by a body recognised by the RCVS as representing the UK vet schools collectively.
  - iv) Veterinary nurses. Under the proposals there will be two veterinary nurse positions which are appointed or elected by the Veterinary Nurses Council (which is a committee of RCVS Council).
  - v) The introduction of one position for an associate member appointed by a body recognised by the RCVS as representing them.
  - vi) No electing body.
  - vii) No formal position for the Government Chief Veterinary Officer (CVO), but that the CVO (currently one of the Privy Council appointees) would instead be invited

to attend Council meetings as an observer, and to address Council when there were specific issues or concerns.

b) Responses were:

- Two respondents expressed concerns that the proportion of lay people was too small in order to protect animal welfare and the public interest. One response emphasised that it would be crucial to ensure that these members are carefully appointed if the Council is not to be dominated by the profession.
- One disagreement that directly elected vets should retain a majority, with a view that there should be a majority of non-veterinary surgeons so as to safeguard the assurance function and to maintain the confidence of the public.
- One respondent queried how the appropriate skills and experience of those standing for election would be decided and evaluated- important that a balance of skills across the board is ensured.
- One respondent suggested perhaps members should ideally be appointed from a cohort which could not qualify for any other Council post (e.g. shouldn't include non-veterinary members of the academic staff of any of the Vet schools to demonstrate independence and objectivity).
- One respondent suggested the presence of the UK CVO on the Council was integral - and indeed essential, and was also of considerable benefit to the RCVS itself; as there were many issues where the work of Defra and the RCVS were inseparable, complementary or very closely related.

## **Terms & conditions of office**

a) We proposed:

- Terms of office to remain at 4 years, but a maximum limit of three consecutive terms be introduced. A mandatory 2 year break would be required before a person could stand again.
- A mechanism to be introduced so that Council members could be removed for issues relating to poor conduct or behaviour.

b) Responses were:

- One Vet and one organisation said they would prefer a maximum of three terms with no option to return to ensure a constant flow of new blood.
- One respondent asked whether the terms of office and disciplinary procedures would be the same for all members of Council.



## Other comments

d) There were a number of supportive comments that welcomed the review and the proposals including:

- This appears to be a very representative format for council.
- A fair progression in the way the RCVS is regulated.
- Content with this proposal, especially the possibility of including other allied professionals in the future.
- Broadly agree with the proposal to reduce the size of council and to improve its functionality. Also valuable to reduce vet school influence and improve lay person balance.
- An important step forward in the governance of the veterinary profession, making oversight of the profession more transparent, accountable and workable.
- The proposals provide a better balance between persons appointed for their expertise and skills and those elected by their peers.
- Fully agree with all proposals especially the introduction of six independently appointed lay persons.
- One concern was raised on whether taking these incremental steps towards regulatory reform would undercut the case for a complete overhaul of the outdated Veterinary Surgeons Act 1966.

# Annex E

## List of relevant statutes and consolidated text

### Relevant statutes

The draft Order proposes amendments to sections 1 and 25 of, and Schedule 1 to, the Veterinary Surgeons Act 1966.

### Consolidated version of affected provisions

The Government Legal Department certify that what follows is an accurate consolidated text of all the legislative provisions that this draft Order proposes to amend, as at 31 December 2017.

#### VETERINARY SURGEONS ACT 1966

##### 1 The Council of the Royal College of Veterinary Surgeons

- (1) For the purpose of managing the affairs of the Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say--
  - (a) twenty-four persons (hereafter in this Act referred to as "elected members of the Council") elected from among themselves by members of the College...;
  - (b) four persons appointed by the Privy Council;
  - (c) for each university in the United Kingdom for which a recognition order is in force, two persons appointed by that university of whom at least one shall be a member of the College.
- (1A) A member of the College who, by virtue of article 3(1) or 3(2) of the Agreement with respect to veterinary surgeons made between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland and given effect to in the United Kingdom by the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988, is not required to pay a fee in respect of his membership of the College, may not vote, propose any candidate or stand as a candidate in any election of members of the Council which takes place after 31st May 1988 unless he has paid, in respect of every membership year that has occurred between that date and the date of the election, the fee prescribed by regulation of the Council under section

11(1)(b) of this Act on or before 31st March in every such year; and in this subsection "membership year" means the membership year of the College running from the 1st day of April to the 31st day of March.

- (2) There shall continue to be a President and two Vice-Presidents of the College elected from among themselves by members of the Council.
- (3) Schedule 1 to this Act shall have effect with respect to the tenure of office, election and appointment of the President and Vice-Presidents of the College and of the other members of the Council and with respect to other matters relating to the Council.
- (4) Where the Privy Council make an order under section 3 of this Act which will result in a change in the number of members appointed under subsection (1)(c) of this section, they may by order after consultation with the Council of the College--
  - (a) make such alteration in the number of elected members of the Council of the College as appears to them expedient in view of the making of the order under the said section 3 for the purpose of securing that there is a majority of elected members over all other members of the Council of the College; and
  - (b) make such consequential provision with respect to the term of office of the elected members (including provision modifying Schedule 1 to this Act) as appears to them necessary or expedient in consequence of the change in the total number of elected members.

## **25 Regulations, rules and orders**

- (1) No regulations or rules of the Council under this Act shall have effect unless approved by order of the Privy Council.
- (2) Any order under the foregoing subsection may be revoked by a subsequent order of the Privy Council.
- (3) Any power to make orders conferred by this Act on the Privy Council or the Ministers, and any power to make rules so conferred on the Lord Chancellor, shall be exercisable by statutory instrument.
- (4) The Ministers shall not make an order under section 19(5) of this Act unless a draft of the order has been approved by both Houses of Parliament.
- (5) Any statutory instrument made under this Act in the exercise of powers conferred by section 1(4), 3, 19(4) or 21 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **SCHEDULE 1**

### **PROVISIONS AS TO THE COUNCIL**

Section 1(3)

#### *Tenure of office of members and of President and Vice-Presidents*

- 1** (1) Subject to the provisions of this Schedule, the term of office of any member of the Council shall be, as near as may be, four years and the day on which a member of the Council ordinarily retires shall be the day of the annual general meeting of the College in the year in which he retires.

(2) Subject to the provisions of this Schedule, six of the elected members of the Council, being those who have been such members for the longest time without re-election, shall retire in each year.

(3) If on the coming into force of a recognition order for any university a member of the Council is appointed by the university between two annual general meetings of the College, then, subject to the following provisions of this Schedule, the term of office of that member shall not expire until the fourth annual general meeting after it began.
- 2** Subject to the provisions of this Schedule, the term of office of the President or a Vice-President of the College shall be, as near as may be, one year, and he shall retire at the next meeting of the Council after the annual general meeting, but shall hold office until that next meeting notwithstanding that he has ceased to be a member of the Council, unless he resigns office as President or Vice-President or ceases to be a member of the Council under paragraph 3, 4 or 5 of this Schedule.
- 3** A member of the Council may at any time, by notice in writing addressed to the registrar, resign his office as member and the President or a Vice-President of the College may at any time by a like notice resign his office as such.
- 4** An elected member of the Council, or a member of the Council appointed by a university as being a member of the College, shall cease to hold office if he ceases to be a member of the College.
- 5** If a recognition order ceases to be in force for any university, any member appointed to the Council by that university shall thereupon cease to hold office.

#### *Elections, appointments and casual vacancies*

- 6** (1) Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the College at which the vacancy occurs.

- (2) Elections to fill an ordinary vacancy in the office of President or Vice-President shall be held at the meeting of the Council at which the vacancy occurs.
- 7 (1) Where a casual vacancy occurs among the elected members of the Council, the vacancy shall be filled--
- (a) by the unsuccessful candidate at the last previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member, or
  - (b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more such candidates have been registered longer than any other but for the same period as each other, by one of them chosen by lot, or
  - (c) if there were no unsuccessful candidates at that election, by a person appointed by the Council.
- (2) Where a casual vacancy occurs among members of the Council appointed by the Privy Council or a university, the vacancy shall be filled by the Privy Council or that university, as the case may be.
- (3) Where a casual vacancy occurs in the office of President or Vice-President of the College, the vacancy shall be filled by an election held at the first meeting of the Council after the vacancy occurs.
- (4) A person filling a casual vacancy among the elected members of the Council or in the office of President or Vice-President of the College shall hold office until the date on which the person whose vacancy he fills would have regularly retired.
- 8 A person ceasing to be a member of the Council or President or Vice-President of the College shall be eligible to be re-elected or re-appointed.
- 9 Elections of elected members of the Council shall be conducted in accordance with a scheme made by the Council and approved by the Privy Council.
- 10 A scheme under the last foregoing paragraph may be amended by the Council, but no amendment of the scheme shall have effect unless approved by the Privy Council.

### *Supplementary*

- 11 The powers of the Council and any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or any of its committees shall be invalidated by any defect in the election or appointment of a member.
- 12 ...
- 13 ...

# Annex F

## Keeling Schedules

The first four Keeling Schedules which follow show the relevant provisions of the Veterinary Surgeons Act 1966 as at 1st July 2018, 1st July 2019, 1st July 2020 and 1st July 2021 respectively, with the proposed amendments on those dates clearly marked.

The fifth Keeling Schedule shows the relevant provisions as they would finally appear on 1st July 2021.

The Government Legal Department certify that what follows accurately reflects the proposed consolidated text of the legislative provisions that this draft Order proposes to amend, as at the dates specified.

*Showing the proposed amendments to section 1 of, and Schedule 1 to, the Veterinary Surgeons Act 1966 which would come into force on 1st July 2018*

### VETERINARY SURGEONS ACT 1966

#### 1 The Council of the Royal College of Veterinary Surgeons

- (1) For the purpose of managing the affairs of the Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say--
- (a) ~~twenty-four~~ twenty-one persons (hereafter in this Act referred to as "elected members of the Council") elected from among themselves by members of the College...;
  - (b) ~~four persons appointed by the Privy Council;~~
  - (c) for each university in the United Kingdom for which a recognition order is in force, ~~two persons~~ one person appointed by that university ~~of whom at least one shall be a member of the College.;~~
  - (d) two registered veterinary nurses appointed by the Veterinary Nurses' Council;
  - (e) six lay persons appointed by the Council, having had regard to the recommendations of the committee advising the Council for that purpose.

- (1A) A member of the College who, by virtue of article 3(1) or 3(2) of the Agreement with respect to veterinary surgeons made between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland and given effect to in the United Kingdom by the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988, is not required to pay a fee in respect of his membership of the College, may not vote, propose any candidate or stand as a candidate in any election of members of the Council which takes place after 31st May 1988 unless he has paid, in respect of every membership year that has occurred between that date and the date of the election, the fee prescribed by regulation of the Council under section 11(1)(b) of this Act on or before 31st March in every such year; and in this subsection "membership year" means the membership year of the College running from the 1st day of April to the 31st day of March.
- (2) There shall continue to be a President and two Vice-Presidents of the College elected from among themselves by members of the Council.
- (3) Schedule 1 to this Act shall have effect with respect to the tenure of office, election and appointment of the President and Vice-Presidents of the College and of the other members of the Council and with respect to other matters relating to the Council.

(3A) In this section and in Schedule 1—

"lay person" means an individual who is not, and has never been, registered or entitled to be registered in—

(a) the register;

(b) the supplementary veterinary register; or

(c) the veterinary nurses register;

"registered veterinary nurse" means a person whose name appears on the veterinary nurses register;

"veterinary nurses register" means the register of veterinary nurses kept by the College under article 12 of the Supplementary Royal Charter of the College dated 17th February 2015.

- (4) Where the Privy Council make an order under section 3 of this Act which will result in a change in the number of members appointed under subsection (1)(c) of this section, they may by order after consultation with the Council of the College--
- (a) make such alteration in the number of elected members of the Council of the College as appears to them expedient in view of the making of the order under the said section 3 for the purpose of securing that there is a majority of elected members over all other members of the Council of the College; and
- (b) make such consequential provision with respect to the term of office of the elected members (including provision modifying Schedule 1 to this Act) as appears to them necessary or expedient in consequence of the change in the total number of elected members.

## SCHEDULE 1

### PROVISIONS AS TO THE COUNCIL

Section 1(3)

#### *Tenure of office of members and of President and Vice-Presidents*

- 1 (1) Subject to the provisions of this Schedule, the term of office of any member of the Council shall be, as near as may be, four years and ~~the day on which a member of the Council ordinarily retires shall be the day of~~ a member of the Council ordinarily retires at the beginning of the annual general meeting of the College in the year in which he retires.
  - (2) Subject to the provisions of this Schedule, six of the elected members of the Council, being those who have been such members for the longest time without re-election, shall retire in each year.
  - (3) If on the coming into force of a recognition order for any university a member of the Council is appointed by the university between two annual general meetings of the College, then, subject to the following provisions of this Schedule, the term of office of that member shall not expire until the fourth annual general meeting after it began.
- 2 Subject to the provisions of this Schedule, the term of office of the President or a Vice-President of the College shall be, as near as may be, one year, and he shall retire at the next meeting of the Council after the annual general meeting, but shall hold office until that next meeting notwithstanding that he has ceased to be a member of the Council, unless he resigns office as President or Vice-President or ceases to be a member of the Council under any of paragraphs 3 to 5 ~~paragraph 3, 4 or 5~~ of this Schedule.
- 3 A member of the Council may at any time, by notice in writing addressed to the registrar, resign his office as member and the President or a Vice-President of the College may at any time by a like notice resign his office as such.
- 3A** (1) A member of the Council may be removed from office if the member fails to satisfy any conditions about fitness to be a member that are determined by the Council.
  - (2) The procedure for removal of a member from office is to be determined by the Council.
- ~~4~~ ~~An elected member of the Council, or a member of the Council appointed by a university as being a member of the College, shall cease to hold office if he ceases to be a member of the College.~~
- 4 An elected member of the Council ceases to hold office if the member ceases to be a member of the College.



**4A** A member of the Council appointed by virtue of section 1(1)(d) ceases to hold office if the member ceases to be a registered veterinary nurse.

**4B** A member of the Council appointed by virtue of section 1(1)(e) ceases to hold office if the member ceases to be a lay person.

**5** If a recognition order ceases to be in force for any university, any member appointed to the Council by that university shall thereupon cease to hold office.

*Elections, appointments and casual vacancies*

**6** (1) Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the College at which the vacancy occurs.

(2) Elections to fill an ordinary vacancy in the office of President or Vice-President shall be held at the meeting of the Council at which the vacancy occurs.

**7** (1) Where a casual vacancy occurs among the elected members of the Council, the vacancy shall be filled--

(a) by the unsuccessful candidate at the last previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member, or

(b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more such candidates have been registered longer than any other but for the same period as each other, by one of them chosen by lot, or

(c) if there were no unsuccessful candidates at that election, by a person appointed by the Council.

(1A) Where a casual vacancy occurs as respects the member of the Council appointed by a university, the vacancy shall be filled by that university.

(1B) Where a casual vacancy occurs among the registered veterinary nurse members of the Council, the vacancy shall be filled by the appointment of a registered veterinary nurse by the Veterinary Nurses' Council.

(1C) Where a casual vacancy occurs among the members of the Council who are lay persons, the vacancy shall be filled by the appointment by the Council of a lay person, having regard to the recommendations of the committee referred to in section 1(1)(e).

~~(2) Where a casual vacancy occurs among members of the Council appointed by the Privy Council or a university, the vacancy shall be filled by the Privy Council or that university, as the case may be.~~

(3) Where a casual vacancy occurs in the office of President or Vice-President of the College, the vacancy shall be filled by an election held at the first meeting of the Council after the vacancy occurs.

- (4) A person filling a casual vacancy among the ~~elected~~ members of the Council or in the office of President or Vice-President of the College shall hold office until the date on which the person whose vacancy he fills would have regularly retired.
- ~~8~~ A person ceasing to be a member of the Council or President or Vice-President of the College shall be eligible to be re-elected or re-appointed.
- 8 (1) A person ceasing to be a member of the Council or President or Vice-President of the College is, subject to sub-paragraphs (2) and (3), eligible to be re-elected or re-appointed.
- (2) A person ceasing to be a member of the Council at the end of a third consecutive term of office is not eligible to be re-elected or re-appointed until after the first annual general meeting of the College following the day on which the third consecutive term of office ended.
- (3) A person (A) who has been removed from office by virtue of paragraph 3A is not eligible to be re-elected or re-appointed until after the first annual general meeting of the College following the day on which A was removed from office.
- 9 Elections of elected members of the Council shall be conducted in accordance with a scheme made by the Council and approved by the Privy Council.
- 10 A scheme under the last foregoing paragraph may be amended by the Council, but no amendment of the scheme shall have effect unless approved by the Privy Council.

*Supplementary*

- 11 The powers of the Council and any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or any of its committees shall be invalidated by any defect in the election or appointment of a member.
- 12 ...
- 13 ...
- 14 The Chief Veterinary Officer for the United Kingdom--
- (a) is entitled to attend meetings of the Council; but
- (b) must not address the Council unless he or she is invited to do so by the chair of the meeting.

*Showing the further proposed amendment to section 1(1) of the Veterinary Surgeons Act 1966  
which would come into force on 1st July 2019*

## **VETERINARY SURGEONS ACT 1966**

### **1 The Council of the Royal College of Veterinary Surgeons**

- (1) For the purpose of managing the affairs of the Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say--
- (a) ~~twenty-one~~ eighteen persons (hereafter in this Act referred to as "elected members of the Council") elected from among themselves by members of the College...;
  - (b) ...
  - (c) for each university in the United Kingdom for which a recognition order is in force, one person appointed by that university;
  - (d) two registered veterinary nurses appointed by the Veterinary Nurses' Council;
  - (e) six lay persons appointed by the Council, having had regard to the recommendations of the committee advising the Council for that purpose.

*Showing the further proposed amendments to sections 1 and 25 of, and Schedule 1 to, the Veterinary Surgeons Act 1966 which would come into force on 1st July 2020*

## **VETERINARY SURGEONS ACT 1966**

### **1 The Council of the Royal College of Veterinary Surgeons**

- (1) For the purpose of managing the affairs of the Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say--
- (a) ~~eighteen~~ fifteen persons (hereafter in this Act referred to as "elected members of the Council") elected from among themselves by members of the College...;
  - (b) ...
  - ~~(c) for each university in the United Kingdom for which a recognition order is in force, one person appointed by that university;~~
  - (c) three persons appointed by the recognised universities acting jointly;
  - (d) two registered veterinary nurses appointed by the Veterinary Nurses' Council;
  - (e) six lay persons appointed by the Council, having had regard to the recommendations of the committee advising the Council for that purpose.
- (1A) A member of the College who, by virtue of article 3(1) or 3(2) of the Agreement with respect to veterinary surgeons made between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland and given effect to in the United Kingdom by the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988, is not required to pay a fee in respect of his membership of the College, may not vote, propose any candidate or stand as a candidate in any election of members of the Council which takes place after 31st May 1988 unless he has paid, in respect of every membership year that has occurred between that date and the date of the election, the fee prescribed by regulation of the Council under section 11(1)(b) of this Act on or before 31st March in every such year; and in this subsection "membership year" means the membership year of the College running from the 1st day of April to the 31st day of March.
- (2) There shall continue to be a President and two Vice-Presidents of the College elected from among themselves by members of the Council.
- (3) Schedule 1 to this Act shall have effect with respect to the tenure of office, election and appointment of the President and Vice-Presidents of the College and of the other members of the Council and with respect to other matters relating to the Council.

(3A) In this section and in Schedule 1—

“lay person” means an individual who is not, and has never been, registered or entitled to be registered in—

- (a) the register;
- (b) the supplementary veterinary register; or
- (c) the veterinary nurses register;

“recognised universities” means the universities in the United Kingdom for which, at the time concerned, there are recognition orders in force;

“registered veterinary nurse” means a person whose name appears on the veterinary nurses register;

“veterinary nurses register” means the register of veterinary nurses kept by the College under article 12 of the Supplementary Royal Charter of the College dated 17th February 2015.

~~(4) Where the Privy Council make an order under section 3 of this Act which will result in a change in the number of members appointed under subsection (1)(c) of this section, they may by order after consultation with the Council of the College—~~

- ~~(a) make such alteration in the number of elected members of the Council of the College as appears to them expedient in view of the making of the order under the said section 3 for the purpose of securing that there is a majority of elected members over all other members of the Council of the College; and~~
- ~~(b) make such consequential provision with respect to the term of office of the elected members (including provision modifying Schedule 1 to this Act) as appears to them necessary or expedient in consequence of the change in the total number of elected members.~~

## **25 Regulations, rules and orders**

- (1) No regulations or rules of the Council under this Act shall have effect unless approved by order of the Privy Council.
- (2) Any order under the foregoing subsection may be revoked by a subsequent order of the Privy Council.
- (3) Any power to make orders conferred by this Act on the Privy Council or the Ministers, and any power to make rules so conferred on the Lord Chancellor, shall be exercisable by statutory instrument.
- (4) The Ministers shall not make an order under section 19(5) of this Act unless a draft of the order has been approved by both Houses of Parliament.

- (5) Any statutory instrument made under this Act in the exercise of powers conferred by section ~~1(4)~~, 3, 19(4) or 21 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## SCHEDULE 1

### PROVISIONS AS TO THE COUNCIL

Section 1(3)

#### *Tenure of office of members and of President and Vice-Presidents*

- 1** (1) Subject to the provisions of this Schedule, the term of office of any member of the Council shall be, as near as may be, four years and a member of the Council ordinarily retires at the beginning of the annual general meeting of the College in the year in which he retires.
- (2) Subject to the provisions of this Schedule, six of the elected members of the Council, being those who have been such members for the longest time without re-election, shall retire in each year.
- ~~(3) If on the coming into force of a recognition order for any university a member of the Council is appointed by the university between two annual general meetings of the College, then, subject to the following provisions of this Schedule, the term of office of that member shall not expire until the fourth annual general meeting after it began.~~
- 2** Subject to the provisions of this Schedule, the term of office of the President or a Vice-President of the College shall be, as near as may be, one year, and he shall retire at the next meeting of the Council after the annual general meeting, but shall hold office until that next meeting notwithstanding that he has ceased to be a member of the Council, unless he resigns office as President or Vice-President or ceases to be a member of the Council under any of paragraphs 3 to 54B of this Schedule.
- 3** A member of the Council may at any time, by notice in writing addressed to the registrar, resign his office as member and the President or a Vice-President of the College may at any time by a like notice resign his office as such.
- 3A** (1) A member of the Council may be removed from office if the member fails to satisfy any conditions about fitness to be a member that are determined by the Council.
- (2) The procedure for removal of a member from office is to be determined by the Council.
- 4** An elected member of the Council ceases to hold office if the member ceases to be a member of the College.
- 4A** A member of the Council appointed by virtue of section 1(1)(d) ceases to hold office if the member ceases to be a registered veterinary nurse.

**4B** A member of the Council appointed by virtue of section 1(1)(e) ceases to hold office if the member ceases to be a lay person.

~~5~~ If a recognition order ceases to be in force for any university, any member appointed to the Council by that university shall thereupon cease to hold office.

#### *Elections, appointments and casual vacancies*

**6** (1) Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the College at which the vacancy occurs.

(2) Elections to fill an ordinary vacancy in the office of President or Vice-President shall be held at the meeting of the Council at which the vacancy occurs.

**7** (1) Where a casual vacancy occurs among the elected members of the Council, the vacancy shall be filled--

(a) by the unsuccessful candidate at the last previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member, or

(b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more such candidates have been registered longer than any other but for the same period as each other, by one of them chosen by lot, or

(c) if there were no unsuccessful candidates at that election, by a person appointed by the Council.

(1A) Where a casual vacancy occurs as respects the member of the Council appointed by a university, the vacancy shall be filled by that university.

(1B) Where a casual vacancy occurs among the registered veterinary nurse members of the Council, the vacancy shall be filled by the appointment of a registered veterinary nurse by the Veterinary Nurses' Council.

(1C) Where a casual vacancy occurs among the members of the Council who are lay persons, the vacancy shall be filled by the appointment by the Council of a lay person, having regard to the recommendations of the committee referred to in section 1(1)(e).

~~(2)~~ ...

(2) Where a casual vacancy occurs among members of the Council appointed by the recognised universities, the vacancy shall be filled by those universities acting jointly.

(3) Where a casual vacancy occurs in the office of President or Vice-President of the College, the vacancy shall be filled by an election held at the first meeting of the Council after the vacancy occurs.

- (4) A person filling a casual vacancy among the ~~elected~~ members of the Council or in the office of President or Vice-President of the College shall hold office until the date on which the person whose vacancy he fills would have regularly retired.
- 8** (1) A person ceasing to be a member of the Council or President or Vice-President of the College is, subject to sub-paragraphs (2) and (3), eligible to be re-elected or re-appointed.
- (2) A person ceasing to be a member of the Council at the end of a third consecutive term of office is not eligible to be re-elected or re-appointed until after the first annual general meeting of the College following the day on which the third consecutive term of office ended.
- (3) A person (A) who has been removed from office by virtue of paragraph 3A is not eligible to be re-elected or re-appointed until after the first annual general meeting of the College following the day on which A was removed from office.
- 9** Elections of elected members of the Council shall be conducted in accordance with a scheme made by the Council and approved by the Privy Council.
- 10** A scheme under the last foregoing paragraph may be amended by the Council, but no amendment of the scheme shall have effect unless approved by the Privy Council.

#### *Supplementary*

- 11** The powers of the Council and any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or any of its committees shall be invalidated by any defect in the election or appointment of a member.
- 12** ...
- 13** ...
- 14** The Chief Veterinary Officer for the United Kingdom--
- (a) is entitled to attend meetings of the Council; but
  - (b) must not address the Council unless he or she is invited to do so by the chair of the meeting.



*Showing the further proposed amendments to section 1(1) of, and Schedule 1(1) to, the Veterinary Surgeons Act 1966 which would come into force on 1st July 2021*

## **VETERINARY SURGEONS ACT 1966**

### **1 The Council of the Royal College of Veterinary Surgeons**

- (1) For the purpose of managing the affairs of the Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say--
- (a) ~~fifteen~~ thirteen persons (hereafter in this Act referred to as "elected members of the Council") elected from among themselves by members of the College...;
  - (b) ...
  - (c) three persons appointed by the recognised universities acting jointly;
  - (d) two registered veterinary nurses appointed by the Veterinary Nurses' Council;
  - (e) six lay persons appointed by the Council, having had regard to the recommendations of the committee advising the Council for that purpose.

## **SCHEDULE 1**

### **PROVISIONS AS TO THE COUNCIL**

**Section 1(3)**

#### *Tenure of office of members and of President and Vice-Presidents*

- 1** (1) Subject to the provisions of this Schedule, the term of office of any member of the Council shall be, as near as may be, four years and a member of the Council ordinarily retires at the beginning of the annual general meeting of the College in the year in which he retires.
- ~~(2) Subject to the provisions of this Schedule, six of the elected members of the Council, being those who have been such members for the longest time without re-election, shall retire in each year.~~
- (3) ...

## **VETERINARY SURGEONS ACT 1966**

### **1 The Council of the Royal College of Veterinary Surgeons**

- (1) For the purpose of managing the affairs of the Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say--
- (a) thirteen persons (hereafter in this Act referred to as "elected members of the Council") elected from among themselves by members of the College...;
  - (b) ...
  - (c) three persons appointed by the recognised universities acting jointly;
  - (d) two registered veterinary nurses appointed by the Veterinary Nurses' Council;
  - (e) six lay persons appointed by the Council, having had regard to the recommendations of the committee advising the Council for that purpose.
- (1A) A member of the College who, by virtue of article 3(1) or 3(2) of the Agreement with respect to veterinary surgeons made between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland and given effect to in the United Kingdom by the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988, is not required to pay a fee in respect of his membership of the College, may not vote, propose any candidate or stand as a candidate in any election of members of the Council which takes place after 31st May 1988 unless he has paid, in respect of every membership year that has occurred between that date and the date of the election, the fee prescribed by regulation of the Council under section 11(1)(b) of this Act on or before 31st March in every such year; and in this subsection "membership year" means the membership year of the College running from the 1st day of April to the 31st day of March.
- (2) There shall continue to be a President and two Vice-Presidents of the College elected from among themselves by members of the Council.
- (3) Schedule 1 to this Act shall have effect with respect to the tenure of office, election and appointment of the President and Vice-Presidents of the College and of the other members of the Council and with respect to other matters relating to the Council.
- (3A) In this section and in Schedule 1—
- “lay person” means an individual who is not, and has never been, registered or entitled to be registered in—
- (a) the register;

(b) the supplementary veterinary register; or

(c) the veterinary nurses register;

“recognised universities” means the universities in the United Kingdom for which, at the time concerned, there are recognition orders in force;

“registered veterinary nurse” means a person whose name appears on the veterinary nurses register;

“veterinary nurses register” means the register of veterinary nurses kept by the College under article 12 of the Supplementary Royal Charter of the College dated 17th February 2015.

(4) ...

## **25 Regulations, rules and orders**

- (1) No regulations or rules of the Council under this Act shall have effect unless approved by order of the Privy Council.
- (2) Any order under the foregoing subsection may be revoked by a subsequent order of the Privy Council.
- (3) Any power to make orders conferred by this Act on the Privy Council or the Ministers, and any power to make rules so conferred on the Lord Chancellor, shall be exercisable by statutory instrument.
- (4) The Ministers shall not make an order under section 19(5) of this Act unless a draft of the order has been approved by both Houses of Parliament.
- (5) Any statutory instrument made under this Act in the exercise of powers conferred by section 3, 19(4) or 21 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **SCHEDULE 1**

### **PROVISIONS AS TO THE COUNCIL**

#### **Section 1(3)**

#### *Tenure of office of members and of President and Vice-Presidents*

- 1** (1) Subject to the provisions of this Schedule, the term of office of any member of the Council shall be, as near as may be, four years and a member of the Council ordinarily retires at the beginning of the annual general meeting of the College in the year in which he retires.

- (2) ...
- (3) ...
- 2** Subject to the provisions of this Schedule, the term of office of the President or a Vice-President of the College shall be, as near as may be, one year, and he shall retire at the next meeting of the Council after the annual general meeting, but shall hold office until that next meeting notwithstanding that he has ceased to be a member of the Council, unless he resigns office as President or Vice-President or ceases to be a member of the Council under any of paragraphs 3 to 4B of this Schedule.
- 3** A member of the Council may at any time, by notice in writing addressed to the registrar, resign his office as member and the President or a Vice-President of the College may at any time by a like notice resign his office as such.
- 3A** (1) A member of the Council may be removed from office if the member fails to satisfy any conditions about fitness to be a member that are determined by the Council.
- (2) The procedure for removal of a member from office is to be determined by the Council.
- 4** An elected member of the Council ceases to hold office if the member ceases to be a member of the College.
- 4A** A member of the Council appointed by virtue of section 1(1)(d) ceases to hold office if the member ceases to be a registered veterinary nurse.
- 4B** A member of the Council appointed by virtue of section 1(1)(e) ceases to hold office if the member ceases to be a lay person.
- 5** ...

*Elections, appointments and casual vacancies*

- 6** (1) Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the College at which the vacancy occurs.
- (2) Elections to fill an ordinary vacancy in the office of President or Vice-President shall be held at the meeting of the Council at which the vacancy occurs.
- 7** (1) Where a casual vacancy occurs among the elected members of the Council, the vacancy shall be filled--
  - (a) by the unsuccessful candidate at the last previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member, or
  - (b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more

such candidates have been registered longer than any other but for the same period as each other, by one of them chosen by lot, or

- (c) if there were no unsuccessful candidates at that election, by a person appointed by the Council.

(1A) Where a casual vacancy occurs as respects the member of the Council appointed by a university, the vacancy shall be filled by that university.

(1B) Where a casual vacancy occurs among the registered veterinary nurse members of the Council, the vacancy shall be filled by the appointment of a registered veterinary nurse by the Veterinary Nurses' Council.

(1C) Where a casual vacancy occurs among the members of the Council who are lay persons, the vacancy shall be filled by the appointment by the Council of a lay person, having regard to the recommendations of the committee referred to in section 1(1)(e).

(2) Where a casual vacancy occurs among members of the Council appointed by the recognised universities, the vacancy shall be filled by those universities acting jointly.

(3) Where a casual vacancy occurs in the office of President or Vice-President of the College, the vacancy shall be filled by an election held at the first meeting of the Council after the vacancy occurs.

(4) A person filling a casual vacancy among the members of the Council or in the office of President or Vice-President of the College shall hold office until the date on which the person whose vacancy he fills would have regularly retired.

**8** (1) A person ceasing to be a member of the Council or President or Vice-President of the College is, subject to sub-paragraphs (2) and (3), eligible to be re-elected or re-appointed.

(2) A person ceasing to be a member of the Council at the end of a third consecutive term of office is not eligible to be re-elected or re-appointed until after the first annual general meeting of the College following the day on which the third consecutive term of office ended.

(3) A person (A) who has been removed from office by virtue of paragraph 3A is not eligible to be re-elected or re-appointed until after the first annual general meeting of the College following the day on which A was removed from office.

**9** Elections of elected members of the Council shall be conducted in accordance with a scheme made by the Council and approved by the Privy Council.

**10** A scheme under the last foregoing paragraph may be amended by the Council, but no amendment of the scheme shall have effect unless approved by the Privy Council.

*Supplementary*

- 11** The powers of the Council and any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or any of its committees shall be invalidated by any defect in the election or appointment of a member.
- 12** ...
- 13** ...
- 14** The Chief Veterinary Officer for the United Kingdom--
- (a) is entitled to attend meetings of the Council; but
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