

Making a complaint to the RCVS about a veterinary surgeon

A guide to our complaints procedure

A. Introduction

1. This document explains how we deal with complaints (Section B, pages 3 –5) and provides answers to some frequently asked questions (Section C, pages 6 -8). Reading this document will let you know what to expect if you decide to complain to us. This introduction explains how we may use your information and obtain information from others as part of the investigation procedure.
2. We would urge you to read the Section D, 'What the RCVS can and cannot do' (page 9) before you decide to submit your complaint. This information helps to explain what we can do about your complaint.
3. If you have not already done so, we would encourage you to discuss your concerns with the veterinary surgeon involved (or the senior partner of the practice). We understand that sometimes this can be difficult; however, many complaints can be resolved in this way.
4. If you decide to make a complaint, you will need to complete and return our complaints form (Section E, pages 10-16). Your complaint will be considered on the basis of the information that you provide in or with this form. You should take care to ensure you state your concerns clearly and provide copies of any supporting information.
5. If you are also making a complaint against a registered veterinary nurse please complete a separate form for making a complaint about a registered veterinary nurse and please indicate that you are also making such a complaint. You do not need to repeat information given in one of the complaints forms.
6. To investigate your complaint, we will provide your information - e.g. the complaints form - to others and seek information about you and your animal from others - e.g. the veterinary surgeon you have complained about and the practice at which he or she works. We may also make other enquiries to investigate your complaint, for example, we may ask the other veterinary surgeons you have consulted and others identified in your complaint.
7. Your information that we may provide to others includes notes of relevant telephone conversations with you, either before or after we receive your complaints form and relevant letters and other information you provide to us. Your information that others may provide to us includes the clinical records for your animal.
8. If you have any questions or concerns, for example, if you are unsure whether your complaint falls within the jurisdiction of the RCVS, please contact the Professional Conduct Department (T 020 7202 0789 F 020 7202 0740 E profcon@rcvs.org.uk). Further explanatory information is available on RCVSonline (www.rcvs.org.uk), or hardcopies may be requested from the Professional Conduct Department.

B. RCVS complaints procedure for registered veterinary surgeons

Stage 1 – Making a complaint

1. Our jurisdiction is limited to complaints which, if proved, have the potential to raise a formal charge at the *Disciplinary Committee* that a veterinary surgeon's conduct is serious enough to amount to 'disgraceful conduct in a professional respect' (this is commonly referred to as 'serious professional misconduct') or that a veterinary surgeon's criminal conviction renders him or her unfit to practise (or work) as a veterinary surgeon (see the document '*Serious Professional Misconduct*' at <http://www.rcvs.org.uk/complaints/>).
2. Please look at *what we can and cannot do* (the extent of our jurisdiction) before making a complaint. For example, **we cannot deal with complaints purely about the level of fees or allegations of negligence**, which are dealt with by the courts (see Chapter 9 '*Practice information and fees*' of the supporting guidance to the Code of Professional Conduct and the document '*Negligence*' at <http://www.rcvs.org.uk/complaints/>); neither can we deal with 'performance' (competence) complaints unless they are serious enough and there is evidence that they could amount to 'serious professional misconduct'. This may be via the College's Performance Protocol. We can deal with health complaints through our new *Protocol for Health Complaints against Registered Veterinary Surgeons*.
3. As a general rule, we ask a potential complainant to complete our Complaints Form (Section E) before we assess the complaint. Generally, any complaint about an incident more than two years ago will be considered out of time and will be closed.

We aim to send a complaints form to a potential complainant on the day we receive the request, or the next working day.

Stage 2 – Assessment stage

4. A Case Manager, who may be legally qualified, assesses complaints and decides whether there is an issue of conduct with the **potential** to amount to serious professional misconduct ('an issue of conduct').
5. Complaints are assessed in accordance with our *Protocol for the Assessment of Complaints*. We may contact the complainant and/or the veterinary surgeon complained about and/or the veterinary surgeon's employer to assist the assessment process.
6. If we identify an issue of conduct from a complaint, we investigate further. If we do not identify an issue of conduct, we close the complaint.

We aim to assess a complaint within ten working days of receiving the completed and signed complaints form.

Stage 3 – Investigation and case examination stage

7. We investigate complaints in accordance with our *Protocol for the Assessment of Complaints*. We may contact the complainant and/or the veterinary surgeon complained about and/or the veterinary surgeon's employer as part of an investigation. Occasionally, we may visit the veterinary practice and interview the veterinary surgeon complained about, or other staff; similarly, we may visit the complainant and other witnesses to investigate the complaint.
8. The investigation of complaints is managed by Case Managers, who may seek any advice and direction, as appropriate, from the two Case Examiners appointed to the complaint.
9. Case Examiners are generally a veterinary surgeon and a lay member of the Preliminary Investigation Committee.
10. When there is sufficient information, the case examiners decide whether there is an **arguable case** against the veterinary surgeon complained about: if so, the complaint is considered by the Preliminary Investigation Committee. If there is no arguable case the complaint is closed. Case examination is conducted in accordance with our *Protocol for the Case Examination of Complaints*. Generally, veterinary surgeons' criminal convictions are considered by the Preliminary Investigation Committee.
11. If we close a complaint we may give advice to the veterinary surgeon complained about. We tell the complainant if we give advice to the veterinary surgeon and the nature of that advice.

We aim to collect the information required for the matters under investigation in fewer than five months of receiving a completed and signed complaints form.

Stage 4 – Preliminary Investigation Committee stage

12. The Preliminary Investigation Committee meets in private to consider whether there is a **realistic prospect** of what the veterinary surgeon has done (or not done) amounting to disgraceful conduct in a professional respect ('serious professional misconduct'), or (for convictions) rendering him or her unfit to practise or work as a veterinary surgeon. (See our information on the meaning of 'serious professional misconduct'). We consider complaints in accordance with our *Protocol for the Preliminary Investigation Committee Consideration of Complaints*.
13. It may be necessary to investigate complaints further to obtain sufficient information to make a decision at this stage, and we investigate in accordance with our *Protocol for the Investigation of Complaints*. Generally, an in-house solicitor will manage an investigation that involves external solicitors.

14. A complaint may be referred to the RCVS Disciplinary Committee where the veterinary surgeon's alleged conduct or behaviour is fundamentally incompatible with his or her being a veterinary surgeon and this may involve any of the following (the list is not exhaustive):
- a. Serious departure from professional standards as set out in the *RCVS Code of Professional Conduct*
 - b. Causing serious harm (or causing a risk of serious harm) to animals or the public, particularly where there is a breach of trust
 - c. Offences of a sexual nature
 - d. Offences involving violence and/or loss of human life
 - e. Evidence of a harmful deep-seated personality or attitude problem
 - f. Dishonesty (including false certification), particularly where persistent or concealed
15. If we close a complaint, we may give advice to the veterinary surgeon complained about. We may ask the veterinary surgeon to visit the College for the advice to be given, or we may visit the veterinary surgeon at his or her practice to speak to him or her, or we may give the advice in writing. If the veterinary surgeon complained about is an employee, we may also speak or write to his or her employer about the complaint.
16. We tell complainants if we give advice to the veterinary surgeon and the nature of that advice.

Generally, the Preliminary Investigation Committee will consider complaints in fewer than six to seven months of us receiving a completed and signed complaints form.

Stage 5 – Disciplinary Committee

17. If a complaint is referred to the Disciplinary Committee there will be a formal hearing (an Inquiry). The Inquiry is like a court hearing and a complainant will be asked to give evidence under oath. Appeals against Disciplinary Committee decisions are heard by the Privy Council.

The Clerk to the Disciplinary Committee lists hearings in consultation with the Professional Conduct Department of the RCVS and the respondent veterinary surgeon.

18. These are general procedures and may be varied as necessary for any individual complaint.

C. Frequently asked questions

1. I am thinking about making a complaint, can somebody advise me?

If you wish to enquire about making a complaint or about a complaint that may be made about you, please telephone the Professional Conduct Department of the RCVS and speak to a member of the Department. Our Case Managers, solicitors, professional conduct officers and administrative staff will be happy to discuss relevant issues. We may be able to indicate whether a complaint is one we can deal with or how we have resolved previous similar complaints. Any subsequent complaint is considered in accordance with the RCVS complaints procedure.

2. How long will you take to investigate my complaint or the complaint against me?

We aim to deal with complaints in the shortest time possible and it is important that all the relevant information regarding the complaint and supporting evidence is given to the College from the outset. We will close a complaint when it is clear that the complaint is not within our jurisdiction. We have set out our time estimates for investigating complaints; the length of time can be dependant on the time others take to provide us with information. Each year we publish the average time we take to close complaints in the *RCVS Annual Report*.

3. Can I see any previous decisions?

No, complaints are confidential to us unless referred to the RCVS Disciplinary Committee, where normally the hearing is in public. Charges, Findings of Fact, Decisions and Judgments of recent hearings are publicly available on RCVSonline at www.rcvs.org.uk/disciplinary. However, the Preliminary Investigation Committee reports to RCVS Council on the work of the Committee and the reports include examples of closed complaints (the names of those involved are not published).

4. Will you keep me informed about the progress of my complaint?

We will write to you at regular intervals to update you on the progress of the complaint. If you are unsure what is happening with the complaint, please telephone the Professional Conduct Department and speak to the Case Manager for the complaint, or with a Professional Conduct Officer involved with complaints handling.

5. I am unhappy with your decision, what can I do?

We aim to give you a proper explanation of any of our decisions at the assessment, case examination or Preliminary Investigation Committee stages. If you are unhappy with our decision, please first contact the Case Manager for your complaint. Disciplinary Committee matters are subject to separate procedures.

6. Is there a Veterinary Ombudsman?

No, there is no Ombudsman. However, if you remain unhappy with the Case Manager's explanation, at your written request, the Head of Professional Conduct and the Chairman of the Preliminary Investigation Committee will consider your concerns. You will be asked to supply in writing any further

or new relevant information stating reasons for your request for a review. If, after these steps, you remain unhappy with our decision, you will need to consider whether to pursue your concerns through the courts, by seeking a judicial review of our decision.

7. Who are the main people and committees involved in the procedures?

Preliminary Investigation Committee

(sometimes referred to as the PI Committee or PIC)

The Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013, sets out the constitution of the PIC. (This order replaced Part 1 of Schedule 2 of the Veterinary Surgeons Act 1966). It requires at least a third of members to be lay persons, and at least a third of members to be Registered veterinary surgeons independent of the RCVS. (Between July 2013 and July 2015 transitional provisions apply where some members remain appointed from RCVS Council). Currently, six veterinary surgeons and three lay members are appointed to the PIC each year. The quorum for a meeting of the PIC is three (of whom one must be lay and one must be a registered member).

RCVS Council

The governing body of the RCVS, as provided for in the Veterinary Surgeons Act 1966.

Lay members

Lay members are not veterinary surgeons and are independent of the RCVS.

Up until 3 July 2013, three Lay Observers (not members), sat with the PIC. Copies of Lay Observers' reports can be downloaded from the RCVS website.

Case Examiners

Veterinary surgeon and lay members of the PI Committee who provide any advice and direction to the Case Manager investigating the complaint, prior to deciding whether there is an arguable case against the veterinary surgeon complained about.

Judicial Review

A request to the Courts that an administrative decision, for example, a decision by the PI Committee, be reviewed.

Disciplinary Committee

(sometimes referred to as DC)

The RCVS equivalent of a court where charges are heard against a veterinary surgeon alleging that he or she is guilty of serious professional misconduct (the wording of the Veterinary Surgeons Act 1966 is 'disgraceful conduct in a professional respect'), or that he or she is unfit to practise because of a

criminal conviction. The Disciplinary Committee hears evidence on oath and witnesses are cross examined. The Committee currently has 16 members and the quorum is five members.

Privy Council

The Judicial Committee of the Privy Council hears appeals of Disciplinary Committee judgments that direct a veterinary surgeon's name to be suspended or removed from the RCVS Register.

RCVS Register

The Register is a list of those persons who are entitled to practise as veterinary surgeons in the UK, in accordance with the provisions of the Veterinary Surgeons Act 1966. Veterinary surgeons on the Register use the post nominal letters MRCVS (Member of the Royal College of Veterinary Surgeons) and FRCVS for Fellows of the RCVS (see www.findavet.org.uk).

Serious Professional Misconduct

This is a term used to describe conduct by a veterinary surgeon that is so serious that it warrants consideration of the veterinary surgeon's continued registration with the RCVS i.e. their fitness to practise as a veterinary surgeon. A complaint will be referred to the Disciplinary Committee only if there is a real prospect of proving this against the veterinary surgeon. Even if found proved, there may be mitigating factors which result in the veterinary surgeon's name remaining on the RCVS Register (see the document '*Serious Professional Misconduct*' at <http://www.rcvs.org.uk/complaints/>)

Professional Conduct Department

The Professional Conduct Department of the RCVS, which includes legally-qualified staff, Professional Conduct Officers and administrative staff, and which manages complaints and provides advice on the *Codes of Professional Conduct*. The Department is based at the RCVS premises in London.

Case Managers

The Case Managers, who may be legally qualified are involved in the assessment and investigation of complaints, as appropriate. Generally, a solicitor liaises with external solicitors and manages the preparation of cases to be heard by the Disciplinary Committee.

D. What the RCVS can and cannot do

What the RCVS can do:

1. Investigate complaints within our jurisdiction (the Veterinary Surgeons Act 1966).
2. Give formal advice to a veterinary surgeon.
3. Hold a public hearing against a veterinary surgeon whose alleged actions or behaviour may amount to serious professional misconduct (see the document '*Serious Professional Misconduct*' at <http://www.rcvs.org.uk/complaints/>).
4. Hold a public hearing against a veterinary surgeon who has been convicted of a criminal offence that may mean he or she is unfit to practise.
5. Suspend or remove a veterinary surgeon from practice.

(Further information about recent Disciplinary Committee Hearings is available at www.rcvs.org.uk/disciplinary)

What the RCVS cannot do:

6. Fine a veterinary surgeon for any wrong-doing.
7. Award any form of compensation or refund or fee reduction.
8. Adjudicate on negligence as an alternative to the civil courts (see the document '*Negligence*' at <http://www.rcvs.org.uk/complaints/>).
9. Adjudicate on the level of fees charged, except when the fees are so extreme that they might constitute serious professional misconduct (see the document '*Serious Professional Misconduct*' at <http://www.rcvs.org.uk/complaints/>).

Points to remember

10. Veterinary surgeons have clinical freedom to treat animals; therefore, veterinary surgeons may have different approaches to the same problem.
11. Diagnosis is not an exact science. Misdiagnosis or missed-diagnosis is not necessarily professional misconduct.
12. In veterinary medicine (just as in human medicine) the outcome of treatment or medication may not be what the owner or veterinary surgeon would wish.
13. Try to resolve problems directly with your veterinary surgeon in the first instance.

E. RCVS complaints form

When completing this form please ensure that you:

1. Type or write clearly, in black ink

We will scan your complaint and prepare an electronic copy and we may need to photocopy it; preferably type out your complaint and/or use dark ink.

2. Sign the form

Your signature is required for your complaint to be investigated, because, for example, we need to send this complaints form to the veterinary surgeon and practice concerned and we cannot do this without your permission. We also require your permission for the veterinary surgeon and practice to disclose to the RCVS information about you and your animal.

Your details

1. Name		
2. Address		
Postcode		
Email		
3. Telephone (inc Area Code)	Work	
	Home	
	Mobile	

Details of the animal*Please tick as appropriate*

4. Are you the owner of the animal?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	(if no, who is the owner?)	
5. What is the animal's name?				
6. What is the animal?	Dog <input type="checkbox"/>	Cat <input type="checkbox"/>	Horse <input type="checkbox"/>	Other (specify) <input type="checkbox"/>
7. What breed is the animal?				
8. How old is the animal?				
9. What gender is the animal?	Male <input type="checkbox"/>		Female <input type="checkbox"/>	
10. Is your animal still alive?	Yes <input type="checkbox"/>		No <input type="checkbox"/>	
11. If no, was your animal put to sleep?	Yes <input type="checkbox"/>		No <input type="checkbox"/>	

Who is your complaint against?

12. Who is the veterinary surgeon you are complaining about?	
Veterinary surgeon's name	
Practice name	
Address	
Postcode	

Other veterinary surgeons involved at this practice?

Please tick as appropriate

13. Was your animal seen by any other veterinary surgeon from this practice (named in 12 above)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please give the name of any other veterinary surgeon.		

Other practices involved

Please tick as appropriate

14. Did you go to another veterinary surgeon or practice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Name		
Practice		
Address		
Postcode		
When was the opinion sought?		

Is there a fee dispute?

Please tick as appropriate

15. Is there a fee dispute or fee issue between you and the practice? <i>(please tick as appropriate)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please give details and include relevant correspondence with the veterinary surgeon or practice. We cannot adjudicate on the level of fees unless they are extreme.		

Attempts to resolve your complaint with the practice

Please tick as appropriate

16. Have you discussed your complaint with anyone from the practice named in 12 above?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If <i>yes</i>, with whom did you discuss your complaint and what happened? <i>Please attach copies of all correspondence with the veterinary surgeon or practice and any copies of clinical records or other relevant information in your possession.</i>		
If <i>no</i>, why not?		

Please consider seeking an explanation from the veterinary surgeon or practice before making a complaint.

When was the incident?

17. Please give the date(s) of the incident. If your complaint relates to an incident more than six months ago, please explain why you have not complained to the RCVS before now. <i>Generally, if your complaint relates to an incident more than 2 years ago, it will be considered out of time and closed.</i>

What happened?

18. Please give a brief outline of your complaint, including relevant dates, symptoms, and treatment administered. Please provide details of what happened at any subsequent veterinary practice. **Please continue on separate paper, if necessary.**

Please attach copies of all correspondence with the veterinary surgeon or practice and any copies of clinical records or other relevant information in your possession.

Your complaint will be considered on the information provided here; therefore, it is important to include all relevant information and issues at this point.

Your view about what was wrong and what we should do?

19. What particularly dissatisfied you? (please list)
a)
b)
c)

20. Finally, what would be a satisfactory outcome to your complaint? <i>Have you read our information on what we can and cannot do? Please remember that the RCVS cannot award compensation, fine a veterinary surgeon, or decide whether you are liable to pay fees.</i>

21. How we investigate your complaint is set out in ***'Making a complaint to the RCVS about a registered veterinary surgeon - A guide to our complaints procedure'***. Please sign your completed complaints form before returning it to us, to give us permission to investigate your complaint in accordance with RCVS procedures. Your signature is required for your complaint to be investigated, because, for example, we need to send this complaints form to the veterinary surgeon and practice concerned and we cannot do this without your permission. We also require your permission for the veterinary surgeon and practice to disclose to the RCVS information about you and your animal, including, for example, copies of clinical records, radiographs and other similar documents. We may also disclose information about you as appropriate under the Data Protection Act, for example, to another authority or regulator. Please sign below to give this permission and declare that your information is true to the best of your knowledge and belief. Please note that it is important that you supply us with all relevant information from the outset, so that we can fully consider your complaint.

Signed Date
DD / MM / YYYY

Please **print, sign** and return to the Professional Conduct Department, Royal College of Veterinary Surgeons, Belgravia House, 62-64 Horseferry Road, London SW1P 2AF.

We cannot accept the complaints form via email.