

BVA response to the RCVS consultation: Ensuring good governance

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 19,000 members, our mission is to represent, support and champion the whole UK veterinary profession. We are a professional body and our members are individual veterinary surgeons. We take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues, and employment matters.
2. We welcome the opportunity to respond to the RCVS consultation 'Ensuring good governance', recognising that the governance of RCVS is one of the outstanding questions in relation to future veterinary legislative reform. We strongly support the RCVS's aim of modernising its governance structure to enhance transparency, lay representation, and effectiveness in regulating the veterinary professions and allied professionals. RCVS regulatory governance should prioritise public protection, animal health and welfare, transparency, integrity and accountability, which are crucial for maintaining public confidence and trust in the veterinary professions. However, we also consider that it is important to take a holistic approach to RCVS governance reform.

Background

3. The BVA working group on RCVS Governance was formed in response to an invitation from RCVS in 2023 for BVA to engage on the matter of RCVS Council composition in the context of the regulation of allied professions and the wider question of veterinary legislative reform. We are grateful to the College for engaging with us and BVNA colleagues at an early stage, which has given us time to consider the topic thoroughly and develop our thinking.
4. Working group members include representatives from BVA Policy Committee, BVA Council, our specialist divisions most directly connected to the allied professions under consideration for regulation by RCVS (i.e. the British Small Animal Veterinary Association (BSAVA), the British Cattle Veterinary Association (BCVA), the British Equine Veterinary Association (BEVA)), the British Veterinary Nursing Association (BVNA), and a number of BVA past presidents who had been closely involved in the original work of the RCVS Legislation Working Party (LWP) and development of the subsequent BVA response to the RCVS LWP recommendations. The group also includes a non-veterinary member with experience in regulatory and governance reform in the human medical sector.
5. Our working group met three times in fairly quick succession, with the first meeting very much focused on establishing the context and current situation in relation to the Veterinary Surgeons Act (VSA) and Royal Charter to ensure the working group was well-informed. It immediately became clear that it was impossible to limit the scope of discussions to the narrow question of RCVS Council composition and instead the working group explored the wider question of the unique situation of RCVS as a Royal College that regulates as well as questions relating to self-regulation.
6. We set out our preliminary views and shared this with BVA Council members in December 2023. Although, it was very much with the caveat that our draft principles were not conclusive or even near final, Council members were broadly supportive. We subsequently welcomed the opportunity to present the preliminary thinking to RCVS Council in January 2024.
7. In March, in preparation for the publication of the RCVS consultation, our working group was

reconvened to review the draft RCVS recommendations and consider how BVA might respond. Since then, we have finalised our policy position, which was shared with RCVS in advance of approval at BVA Council on 17 July 2024. Our policy position is attached as an Annex to this response.

8. The recommendations in our policy position should be seen as an integrated package designed to modernise the regulatory framework rather than focusing on isolated adjustments or piecemeal changes. Our proposed reforms encompass a range of measures aimed at enhancing transparency, lay representation, and accountability within the RCVS, ensuring it remains a trusted and effective regulator and respected Royal College.
9. We are strongly of the view that there is a clear need for a holistic approach to RCVS governance reform, and we therefore urge RCVS to give serious consideration to the package of measures we are proposing. The focus of the RCVS consultation is currently on a number of narrow questions in relation to governance reform, namely whether elections to RCVS Council should be replaced with an appointment system, and the extent to which there should be parity of registrants and lay members. Although we agree these are important considerations, we consider this a missed opportunity to look more holistically at RCVS governance, particularly when you have already indicated support for our call for clarity and coherence with respect to the College's purpose.
10. Our recommendations, which we would like to see adopted as a package of measures, are as follows:
 - RCVS Council members, both veterinary and lay, should be appointed rather than elected, following an open and competitive process and independent assessment against a clear set of competences.
 - RCVS regulatory governance should be updated to align with the best practice seen in human healthcare regulators. This includes reducing the number of council members and ensuring a balanced composition of registrants and lay members, who are appointed based on clear competencies through an independent process.
 - Allied professions regulated by RCVS should have their own dedicated Councils, similar to the existing VN Council.
 - RCVS should commit to external scrutiny against similar standards to the Professional Standards Authority and publish the outcomes of that assessment in full.
 - RCVS should strive for greater clarity and transparency of organisational identities, purposes, structure and governance, and communicate it effectively and consistently to the veterinary professions and the public.
 - RCVS should articulate more clearly the activities which it considers to be Royal College and Regulatory functions, and the costs associated with each.
 - A separate governing Council for the Royal College function should be established, with elected members. The Royal College Council should focus on the veterinary surgeons and veterinary nursing professions, while other allied professions should establish their own equivalent(s) of Royal College(s) if needed.

RCVS recommendations for RCVS Council reform

RCVS recommendation 1.1: A fully appointed Council

11. We consider that good regulatory governance is achieved through robust, agile and timely regulation by a governing body composed of individuals with a variety of relevant competences.
12. RCVS Council Members play a key role in the governance of the College. The RCVS is clear that Council Members are not elected or appointed to represent any constituency, and all have a responsibility equivalent to trustees for the governance of the College. They work in the best interests of the public, and of animal health and welfare and public health, while respectfully listening to the voices of the professions, the public and other stakeholders¹.
13. RCVS Council Members are expected to abide by the Nolan Principles of Public Life.² While there is a Code of Conduct, there are no specific skills or competences set out. The lack of clarity on the requirements of the RCVS Council member role means that the current election process may not necessarily be consistently attracting the right candidates with the most suitable skill set.
14. The usual and accepted purpose of an election is to enable voters to select leaders to represent their views, with elected members then held accountable for their performance in office by the electorate. Given that RCVS Council Members are explicitly not elected to represent any constituency, a process of election seems at odds with the purpose of the role.
15. We support a shift to an appointed RCVS Council for several reasons. Appointment processes can ensure that Council Members possess the necessary skills and competencies to effectively govern, aligning with the best practice in human healthcare regulation. This change is part of a broader effort to modernise regulatory governance.
16. Considering the lack of rationale from RCVS for diverging significantly from the best practice seen in human healthcare regulation, it seems appropriate to adopt a more streamlined approach to regulatory governance for the veterinary professions. Human healthcare regulatory bodies typically operate with smaller Councils composed of an equal number of registrants and lay members, ensuring effective, agile governance focused on public protection. This streamlined structure supports accountability, improved governance and transparency — principles that are equally vital for the veterinary professions.
17. By moving to an independent appointment process, the RCVS could attract a more diverse range of experts, which should include members of the veterinary professions, with specific competencies required for regulatory governance. This approach is consistent with other regulatory bodies in the human healthcare sector, where appointments are based on merit and relevant experience, rather than through an election that may not necessarily reflect the needs of the professions or the public.
18. Many vets may be concerned about losing the democratic element of electing representatives. However, it's important to note that the appointment process can still be inclusive and transparent, allowing any MRCVS to put themselves forward for appointment. An independent process is essential. The goal is to build a governance structure that is not only representative but also equipped with the expertise needed to address contemporary challenges in veterinary regulation. The Professional Standards Authority guidance 'Good practice in making Council appointments' sets out best practice for appointing council members and provides guidelines on ensuring a robust, unbiased selection process.³ It includes guidance on proper advertising, clear criteria, use of a selection panel that does not include members of the regulator's executive staff and comprehensive candidate assessments. The guidance also covers the importance of diversity

¹ <https://www.rcvs.org.uk/who-we-are/rcvs-council/role-of-council-members/>

² <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

³ <https://www.professionalstandards.org.uk/docs/default-source/appointments/good-practice-in-making-council-appointments.pdf>

and maintaining public trust through an open, competitive process that avoids conflicts of interest and ensures decisions are based on demonstrable merit and suitability for the role. We would strongly support the adoption of these guidelines for the appointment of RCVS Council Members.

19. It's important to note that we support the appointed RCVS Council as part of a comprehensive package of governance reforms, which includes the creation of a separate, elected Royal College Council. That body would be able to focus on the Royal College functions, maintaining a democratic process for the profession while allowing the 'RCVS regulatory Council' to function with the independence and expertise required for effective governance.
20. This holistic approach would ensure that while the regulatory functions are managed by appointed lay and registrant members, the veterinary profession would also retain a voice and influence through an elected Royal College Council. This dual structure would support both robust regulation and the advancement of veterinary professionals, building a balanced and effective governance framework for the profession.
21. By embracing this approach, the RCVS could position itself as a modern, fit-for-purpose regulator, capable of meeting the evolving needs of the veterinary professions and the public it serves.

Recommendation 1.2: Towards lay parity

22. We recognise, and agree, that it is the duty of a regulator to act in the public interest, rather than in the interests of the regulated professions, where those interests differ.
23. When considering regulatory governance in human healthcare, we see Councils which usually consist of 12 appointed members, usually including six registrants and six lay members. The Councils have a regulatory function, protecting the public by:
 - setting standards
 - maintaining a Register
 - taking action where a professional on the Register falls short of the standards.
24. We agree that RCVS regulatory governance should be updated to align with the best practice seen in human healthcare regulators. This means ensuring a balanced composition of registrants and lay members, who are appointed based on clear competencies through an independent process.
25. However, we consider that this should also mean reducing the size of RCVS Council. We note that RCVS Council currently consists of 24 members and RCVS is not currently proposing to reduce the overall size of Council. The consultation document states that this is in recognition of the complex nature of the profession, and thus the importance of retaining a broad spectrum of veterinary expertise while increasing the number of allied professional and lay members.
26. Should RCVS regulate allied professions, then it is reasonable to imagine that those professions would wish to be represented on a regulatory Council. However, increasing the size of RCVS Council is unlikely to be an appropriate or future-proofed solution. Expanding the regulatory Council to include representatives from every allied profession could lead to an unwieldy and inefficient governance structure, complicating decision-making processes and potentially diluting the focus and expertise needed to effectively regulate the vets and veterinary nurses.
27. There should be an RCVS governance structure, in relation to its regulatory functions, which is fit for purpose, including scope to regulate allied professionals as appropriate.
28. Allied professions regulated by RCVS should have their own dedicated Councils, similar to the existing Veterinary Nurses (VN) Council. These dedicated Councils would report to RCVS

regulatory Council and consider the specific regulatory challenges, standards, and professional development of their respective professions, ensuring that each group's unique needs and perspectives are adequately represented and managed. This would also allow RCVS regulatory Council to be brought in line with the regulatory best practice seen in human healthcare where we see 12 appointed members usually composed of 6 registrants and 6 lay members.

29. Alongside such human healthcare regulators, we see Royal Colleges, which perform a range of functions but with the overriding role usually the maintenance of professional standards through education, training, guidance and research. They enjoy a special status, often steeped in history, conferring recognised post-nominal letters to those who meet educational or other requirements. As such, they project exclusivity and status, authority and independence. They tend to be self-funding and are accountable to their membership. Alongside aligning with regulatory best practice seen in human healthcare, a separate governing Council for the Royal College function should be established, with elected members.

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

30. We support the recommendation that VSC appointees should be removed from RCVS regulatory Council. Although we do not disagree with maintaining an approach that ensure appropriate educationalist expertise on the RCVS Education Committee, we consider that the proposal is a missed opportunity. As part of a holistic approach to RCVS governance reform, we consider that the formation of a separate governing Council for oversight of the RCVS's Royal College functions not only represents good practice but could enable it to consolidate, clearly articulate, and possibly expand the range of Royal College services offered. A governing Council of elected members could also go some way to addressing the concerns voiced by some within the profession regarding the proposed move to a system of appointment rather than election for RCVS regulatory Council. It may also be appropriate to grant VSC appointed members positions within Royal College governance structures.

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

31. As stated above, we consider there should be an RCVS governance structure, in relation to its regulatory functions, which is fit for purpose, including scope to regulate allied professionals as appropriate. Increasing the size of RCVS regulatory Council is unlikely to be an appropriate or future-proofed solution. Expanding the regulatory Council to include representatives from every allied profession could lead to an unwieldy and inefficient governance structure, complicating decision-making processes and potentially diluting the focus and expertise needed to effectively regulate vets and vet nurses.
32. As such, we consider that allied professions regulated by RCVS should have their own dedicated regulatory Councils, similar to the existing Veterinary Nurses (VN) Council. These dedicated Councils would report to RCVS regulatory Council and consider the specific regulatory challenges, standards, and professional development of their respective professions, ensuring that each group's unique needs and perspectives are adequately represented and managed.

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

33. We do not currently have any strongly held views on this proposal. We recognise the rationale and the potential to widen the pool of likely candidates for both roles and agree that appointing chairs for longer periods would also offer some continuity. We would welcome more detail on how the proposal would be implemented.

Veterinary Nurses Council governance reform

34. We understand that VN Council composition is ultimately a matter for RCVS regulatory Council, not legislation, and therefore any final recommendations could be implemented without the need for a new Act.
35. We consider that all three proposals (2.1: a fully appointed VN Council, 2.2: reducing the size of VN Council, and 2.3: lay parity) are uncontroversial as the composition of VN Council is already much closer to regulatory best practice.

Conclusion

36. In conclusion, although we support the proposed move to a system of appointment rather than election for RCVS regulatory Council members, we do not support it in isolation. We consider that the RCVS proposals as they stand represent a missed opportunity for a holistic approach to governance reform.
37. The RCVS states that the primary function of the RCVS is to be a regulator. However, RCVS is both a Royal College, constituted by Royal Charter, and a regulator, under the VSA – an unusual status often referred to as ‘a Royal College that regulates’. This multiplicity of functions is poorly understood by the veterinary professions and the public and can be interpreted as a lack of coherent purpose. In developing greater clarity of organisational identities and purposes RCVS must consider both its regulatory and its Royal College functions and communicate these clearly to all stakeholders.
38. Furthermore, there is currently no external or independent oversight or audit. By way of comparison, in the human healthcare sector, The Professional Standards Authority for Health and Social Care (PSA), which is an independent organisation accountable to the UK Parliament, exists to oversee and audit the ten statutory bodies that regulate health professionals in the United Kingdom and social care in England. The PSA’s remit is to protect the public by overseeing the regulation and registration of healthcare professionals. They do this by:
 - Reviewing the work of the regulators of health and care professionals.
 - Accrediting organisations that register practitioners in unregulated occupations.
 - Giving policy advice to Ministers and others and encouraging research to improve regulation.
39. With calls for reform of the VSA 1966, it is likely that attention will be drawn to the current absence of independent oversight of the veterinary professions. The trend away from autonomous self-regulation towards independent oversight should not be ignored, with the public perception being that self-regulation is insufficiently robust. As such we call on RCVS to commit to external scrutiny against similar standards to the Professional Standards Authority and publish the outcomes of that assessment in full.