



Department
for Environment
Food & Rural Affairs

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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

Constitution of the Royal College of Veterinary Surgeons (RCVS) Council

October 2015



Llywodraeth Cymru
Welsh Government



Department of
the Environment
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The Scottish
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Riaghaltas na h-Alba



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Any enquiries regarding this publication should be sent to us at

rcvsconsultation@defra.gsi.gov.uk

Contents

Summary of proposals	1
Basic Information	2
Who will the proposals affect, and how?	2
Chapter 1: Current Situation	6
Background	6
Why are changes needed?	10
Chapter 2: What changes are needed?	15
General principles	15
Call for views on specific issues	15
Cost and impact of proposed changes	21
When will any changes take place?	21
Chapter 3: How will any changes be made?	22
Chapter 4: Possible Parliamentary Procedure.....	28
Annexes	
Annex A: List of questions	32
Annex B: List of consultees.....	32
Annex C: Current RCVS Council	36
Annex D: Legislative Reform Order-making Powers.....	40
Annex E: UK Professions- size of governing bodies.....	41

Summary of proposals

<p>What is being consulted on?</p>	<p>The proposals relate to changes to the current governance structure of the Royal College of Veterinary Surgeons (RCVS), the statutory regulator of the veterinary profession.</p>
<p>Scope of this consultation</p>	<p>The consultation looks at the current constitution (size & membership) of the RCVS governing body, the RCVS Council.</p> <p>The current constitution and governance arrangements for the Council are laid down in primary legislation. The relevant legislation is Section 1 of and Schedule 1 to the Veterinary Surgeons Act 1966 (VSA).</p>
<p>How will these proposals be taken forward and when will they be implemented?</p>	<p>We intend that the proposed changes to legislation will be made through a Legislative Reform Order under the Legislative and Regulatory Reform Act 2006.</p> <p>In this public consultation, we are seeking views on:</p> <ol style="list-style-type: none"> 1. the policy proposals 2. if you believe that a Legislative Reform Order is an appropriate mechanism for making these changes 3. if you agree with our proposed Parliamentary Scrutiny procedure <p>Subject to the outcome of the consultation, we propose that the draft Order will be laid before Parliament in summer 2016 and that any changes are implemented by RCVS during late 2016/ early 2017.</p>
<p>Geographical scope</p>	<p>RCVS is the regulator for the veterinary profession across the United Kingdom, hence the geographical extent is UK</p>
<p>Impact Assessment</p>	<p>The proposed changes affect only the statutory regulator itself (RCVS) and all costs will be incurred by the RCVS; there are no financial implications upon business or the voluntary sector, and no costs or obligations are being placed upon business or civil society organisations. Therefore no Impact Assessment accompanies the consultation document.</p>

Basic information

<p>Consultation</p>	<p>This consultation is being made in accordance of the Legislative Regulatory Reform Act (LRRRA) 2006 and the terms of the Government’s consultation principles http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance.</p> <p>The LRRRA requires Departments to consult widely on all LRO proposals. The list of consultees, including the devolved administrations, to which this document has been sent, is at Annex A. It is also available on the internet at: https://consult.defra.gov.uk/animal-health-and-welfare/rcvs_council_reform</p>
<p>Body/bodies responsible for the consultation</p>	<p>This consultation is being carried out by team responsible for the Veterinary Surgeons Act 1966 in the Department of Environment, Food and Rural Affairs</p>
<p>Who will the proposals affect, and how?</p>	<p>This consultation is open to everyone, but will be of particular interest to the veterinary profession and animal owners.</p> <p>Comments are invited from all interested parties, and not just from those to whom the document has been sent.</p>
<p>Duration</p>	<p>Consultation starts: 29 October 2015 Consultation closes: 24 December 2015</p>
<p>Enquiries</p>	<p>During the consultation, if you have any enquiries, or wish to receive hard copies of the consultation documents, please contact:</p> <p>Aroon Korgaonkar Department for Environment, Food and Rural Affairs Area 5B Nobel House 17 Smith Square London SW1P 3JR.</p> <p>rcvsconsultation@defra.gsi.gov.uk</p>
<p>How to make your views known</p>	<p>Responding to this consultation document is your first and main opportunity to make your views known to the relevant department as part of the consultation process.</p> <p>To submit your consultation response, please use Citizen</p>

Space (our on-line consultation tool)
https://consult.defra.gov.uk/animal-health-and-welfare/rcvs_council_reform . Alternatively, you can request a hard copy of the questionnaire by writing to the address above.

When the Minister lays proposals before Parliament you are welcome to put your views before either or both of the Scrutiny Committees. In the first instance, this should be in writing. The Committees will normally decide on the basis of written submissions whether to take oral evidence.

Your submission should be as concise as possible, and should focus on one or more of the criteria listed below that a Legislative Reform Order needs to meet, as set out in section 3 of the Legislative Regulatory Reform Act 2006:

- There are no non-legislative alternatives that will achieve the intended outcome of the provision;
- The effect of the provision is proportionate to the policy objective;
- The provision strikes a fair balance between the public interest and the interests of any person adversely affected by it;
- The provision does not remove any necessary protection;
- The provision does not prevent anyone from continuing to exercise any right or freedom which they might reasonably expect to continue to exercise;
- The provision is not constitutionally significant; and
- Where a provision will restate an enactment, it makes the law more accessible or more easily understood.

The Scrutiny Committees appointed to scrutinise Legislative Reform Orders can be contacted at:

Regulatory Reform Committee
House of Commons
17 Millbank
London SW1P 3JA
Tel: 020 7219 2830

	<p>Mail to: regrefcom@parliament.uk</p> <p>Delegated Powers and Regulatory Reform Committee House of Lords London SW1A 0PW Tel: 020 7219 3103</p> <p>Mail to: DPRR@parliament.uk</p> <p>All responses should be received by 7 December 2015</p>
<p>Parliamentary Scrutiny</p>	<p>Both Houses of Parliament scrutinise draft LROs. This is done by the Regulatory Reform Committee in the House of Commons and the Delegated Powers and Regulatory Reform Committee in the House of Lords.</p> <p>Each Committee might take oral or written evidence to help it decide these matters, and each Committee would then be expected to report. Copies of Committees' reports are available on the Parliament website at:</p> <p>Regulatory Reform Committee in the Commons; and</p> <p>Delegated Powers and Regulatory Reform Committee in the Lords</p>
<p>Non-disclosure of responses</p>	<p>Section 14(3) of the LRA provides what should happen when someone responding to the consultation exercise on a proposed LRO requests that their response should not be disclosed.</p> <p>The name of the person who has made representations will always be disclosed to Parliament. If you ask for your representation not to be disclosed, the Minister should not disclose the content of that representation without your express consent and, if the representation relates to a third party, their consent too. Alternatively, the Minister may disclose the content of the representation in such a way as to preserve your anonymity and that of any third party involved.</p>
<p>Information about Third Parties</p>	<p>If you give information about a third party which the Minister believes may be damaging to the interests of that third party, the Minister does not have to pass on such information to Parliament if he does not believe it is true or he is unable to obtain the consent of the third party to disclose. This applies</p>

	<p>whether or not you ask for your representation not to be disclosed.</p> <p>The Scrutiny Committees may, however, be given access on request to all representations as originally submitted, as a safeguard against improper influence being brought to bear on Ministers in their formulation of legislative reform orders.</p> <p>Legislative Reform Orders – Guide for Policy Officials</p>
After the consultation	<p>We will summarise all responses and place this summary on our website at www.gov.uk/defra. This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.</p> <p>We will retain a copy of responses so that the public can see them; copies will be made available on request. Also, members of the public may ask for a copy of responses under freedom of information legislation.</p> <p>If you wish to receive a copy of these responses please contact us at: rcvsconsultation@defra.gsi.gov.uk</p>
Compliance with the Code of Practice on consultation	<p>This consultation is issued in line with the principles of consultation issued by the Cabinet Office. These can be found at https://www.gov.uk/government/publications/consultation-principles-guidance</p> <p>If you have any comments or complaints about the consultation process, please address them to:</p> <ul style="list-style-type: none"> • Defra Consultation Co-ordinator, Room 629, • Millbank, 17 Smith Square, London, SW1P 3JR • Or email consultation.coordinator@defra.gsi.gov.uk
Confidentiality and Freedom of Information	<p>It is possible that requests for information contained in consultation responses may be made in accordance with access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you do not want your response to be disclosed in response to such requests for information, you should identify the information you wish to be withheld and explain why confidentiality is necessary. Your request will only be acceded to if it is appropriate in all the circumstances. An automatic confidentiality disclaimer generated by your IT system will not of itself be regarded as binding on the Department.</p>

Chapter 1: current situation

Background

The Royal College of Veterinary Surgeons

1.1 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, under 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

1.2 The RCVS statutory and Charter duties are steered and governed by a Council of 42 members that meets three times a year in March, June and November. 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, to conduct 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.
- Make regulations concerning the register, notably to provide for fees.
- Refer cases of alleged fraudulent registration to the Disciplinary Committee.
- Appoint the Preliminary Investigation Committee and Disciplinary Committee.

- Appear as respondent in any appeal against a Disciplinary Committee decision.
- Make regulations about practice by veterinary students and be consulted about proposed exemption orders.

1.3 The RCVS is also the competent authority for the veterinary profession in the UK in accordance with EU legislation.

1.4 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 Council of the College: size and constitution

1.5 The constitution of the Council is laid down prescriptively in law in section 1 and Schedule 1 to the VSA (together with supplementary provisions relating to the duties of the Council). Section 1 of the VSA sets out the composition of the RCVS Council as follows:

- 24 veterinary members, elected from among themselves.
- 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 veterinarian or lay).
- 4 persons appointed by the Privy Council (by protocol these are lay persons, except for the traditional appointment of the UK Government's Chief Veterinary Officer)

Details can be found at <http://www.rcvs.org.uk/about-us/rcvs-council/council-members/>. A list of Council members and their dates of service is also provided at **Annex C**.

The Council of the College: terms of office

1.6 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, though they are eligible for re-election. The other Council members are appointed for four year terms. There are no restrictions on the number of terms of office that a member may serve.

1.7 The VSA requires that the Council elect a President & two Vice Presidents from its membership. The term of office for the President and the Vice-Presidents is currently one year, but there are no restrictions on re-election.

The Council of the College: election process [for the 24 elected veterinary surgeons]

1.8 Details of election process

- Any registered member of the RCVS is eligible to stand for the RCVS Council Election. This includes non-practicing or overseas members.
- Every year, six Council members retire at the Annual General Meeting, though they are eligible for re-election (without restriction on the number of times they may serve).
- Nominations for new Council members are sought each year between November and January from within the profession.
- The elections are held between March and May and votes may be cast online, or by post.
- The election results are published in early May and the successful candidates begin their terms of office at the RCVS Annual General Meeting, held in July each year.
- The RCVS Council Election is independently run by Electoral Reform Services - an experienced provider of ballot advisory and management services to UK and worldwide organisations

The Role of the Operational Board

1.9 At present the Council delegates 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.

The aim of this is to address, at least in part, issues related to the size and frequency of Council meetings. The Operational Boards function is to:

- Present a strategic plan to Council for approval each year;
- Present an annual business plan and budget to Council for approval and recommend proposed fee changes;
- Ensure that the strategic and annual plans and budget are implemented, within limits of variation approved by Council;
- Lay down procedures for budgeting and financial control;
- Approve expenditure from the contingency fund;
- Seek the approval of Council for expenditure from the College's reserves;
- Manage the assets and investments of the College;
- Manage organisational risks, maintain a risk register and oversee internal audit reviews;
- Oversee the appointment of professional advisers to the College;
- Approve rates of travelling and subsistence expenses and recompense for loss of earnings;
- Authorise the sealing of documents;
- Advise Council on corporate governance matters, including the terms of reference and composition of committees;
- Co-ordinate the work of committees;
- Approve the setting up sub-committees, working parties and other such bodies and determine their members;
- Keep under review arrangements for Council elections;
- Recommend to Council the names of persons for election as Honorary Associates and Honorary Fellowships of the College and for the award of prizes, in accordance with the Honours, Awards and Membership Bye-Laws; and
- Determine external representation and conduct external relations.

1.10 Further information on the Operational Board can be found at:
<http://www.rcvs.org.uk/about-us/operational-board/>.

Why are changes needed?

Background to seeking change

1.12 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.

1.13 The Council itself has been considering changes to its composition since 2009, following proposals made by the (then) Veterinary Legislation Group (VLG). As a follow up to the report by the VLG, a formal consultation exercise was held by the RCVS in July 2009¹. The consultation sought the opinion of the profession, public and other stakeholders on three key proposals for reform:

- to amend the Veterinary Surgeons Act (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.

1.14 Following the consultation exercise the then RCVS Officers met with representatives of the VLG to make recommendations to the November 2009 meeting of 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. In July 2015 the Preliminary Investigation Committee (PIC) and Disciplinary Committees (DC) were made fully independent, and so the RCVS are now able to return to the question of the composition of Council.

¹ http://www.rcvs.org.uk/document-library/vsa-review-jul-2009/vsa_consultation_jul09.pdf

1.15 The overall aim of the reform is to modernise the RCVS Council and to reduce identified burdens. The reforms should also demonstrate a better fit with the **five principles of Better Regulation**, by being **Proportionate, Consistent, Accountable, Transparent and Targeted**. In order to do this the RCVS has sought Government's help, as current Council arrangements are laid down prescriptively in an Act of Parliament and so require legislative amendment.

First-Rate Regulator

1.16 In 2012 the RCVS announced its First-Rate Regulator (FRR) Initiative aimed at delivering improvements across the organisation to ensure that the RCVS is regulating as effectively as possible. To help with this the RCVS commissioned research to better understand how it is seen, and where opportunities for change might lie. The FRR report referenced in this Consultation document is the fourth in a series of research reports prepared on behalf of the RCVS, and explores how the RCVS is seen by veterinary surgeons, veterinary nurses, practice managers, RCVS staff, and a range of external stakeholders, including members of the public who have complained about a veterinary surgeon. It also looked at best practice in professional regulation, particularly relating to the health and legal professions.

1.17 The report highlighted that the governance of the RCVS was significantly out-of-step with the arrangements in place at other professional regulators and Royal Colleges. The report also identified that the current Council is seen as less efficient than it could be, mainly because of its size, but also its membership structure, and could be modified to operate more efficiently and in the better interests of public and profession.

1.18 In 2012 the Operational Board was launched. 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. Although the Operational Board is working well in terms of clear and accountable decision making, some on Council feel too removed from decision making. If the size and structure of Council was reformed it should reduce or remove the need for the Operational Board.

1.19 The FRR research report included advice from the Professional Standards Authority (PSA), previously the Council for Healthcare Regulatory Excellence (CHRE), on the efficiency and effectiveness of health professional regulators. CHRE advised parity of membership between lay and professional members 'to ensure that purely professional concerns are not thought to dominate councils' work'. It also 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, which CHRE argued was no longer a valid concept 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.’ (CHRE 2011a).

Specific issues for consideration

1.20 RCVS Council has discussed the main components of the governance structure that it feels may need to change in order to achieve the stated aim of reducing regulatory burdens and providing a better fit with the “five principles” described in paragraph 1.15. These are set out below, and suggested ways of overcoming the issues are discussed in Chapter 2.

1. Composition of Council

1.21 The current composition was described in paragraph 1.5, and is a mix of elected veterinarians, persons appointed by the Privy Council and members nominated by each veterinary school. The issues raised by the current statutory provision are:

- 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 that the law should provide for Veterinary Nurses to have a place on Council.
- 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. It would be beneficial that in the future there was statutory provision for independently appointed lay representation on Council.
- A reduction in Veterinary School membership is sought, as the size of the Council is also inextricably linked to its composition; in particular around the Veterinary School members (see detail below on university membership). We also need to allow room for lay and veterinary nurse members without having an unworkably large Council. It is essential that Council continues to benefit from the collective academic expertise of the UK Universities with accredited veterinary degrees, but UK Veterinary Schools are content their representation on Council could be reduced.

2. Size of Council

1.22 RCVS Council has discussed the potential need to reduce from its current 42 members. In the section above we have described how both the FRR report conducted by RCVS and the report produced by CHRE suggested that smaller governing bodies operate more effectively.

- The real effects of having a Council of 42 are that it is able to meet only three times a year. It would be expensive for Council to meet more often as due to its size because 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 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 membership of the Council were reduced overall the Council could meet more frequently without increasing costs; and communicate and reach decisions more effectively.
- The size of the Council is also inextricably linked to its composition; in particular around the Veterinary School members. If a new university is awarded a recognition order as a vet school, it will be awarded another two places on Council. The next time that this is expected to happen is in 2019; the Council will then be 44 strong. Once the number of appointed and nominated members is equal (24 + 24) then the Privy Council may choose raise the number of elected veterinary members to ensure that they remain in the majority.

3. Election/appointment system

1.23 Currently there are three methods of putting members onto Council:

- By the election scheme, previously described in paragraph 1.8 (for the 24 elected members);
- Appointment through nomination by the Veterinary schools (14 university members)
- Appointment by Privy Council following public appointment process (for the 4 Privy Council members)

1.24 These systems work for the Council as it is currently constituted. However, if the composition and/ or size alters, in order to remedy the issues discussed above,

then consideration would need to be given as to how the new membership is put onto Council:

- 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.
- There would need to be a system for electing/appointing Veterinary Nurses to Council.
- If a statutory requirement for lay people were to be introduced then a method of appointment also needs to be decided
- If the number of Council members appointed by universities is reduced, it will be necessary to consider how this category of member should be appointed in the future.

4. Terms and conditions of office

1.25 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. (The exception to this is the Privy Council appointments, where it is unusual to appoint someone for more than two terms of office).

- Term limits can be an important aspect of good governance; the RCVS' First Rate Regulator (FRR) Initiative highlighted concerns regarding the potential long terms of service of Council Members, when there are unlimited times a member can be re-elected.
- Additionally, 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 1966 enactment of the VSA the expectations on those holding public office and their fitness to serve in such a capacity have increased.

Chapter 2: what changes are needed?

General principles

2.1 The overall aim will be to modernise the RCVS Council and reduce burdens. The reforms should also demonstrate a better fit with the **five principles of Better Regulation**, by being **Proportionate, Consistent, Accountable, Transparent and Targeted**. Other principles identified as key to good regulation are **agility and flexibility**. These principles align with approaches for 'smart' or 'right-touch' regulation. Bearing in mind these principles, the RCVS have agreed that the criteria for **any future Council** should be as follows:

- In order to respond more quickly and increase efficiency, and to ensure a greater sense of collective responsibility and ownership of decisions, the size of Council should be significantly reduced.
- As a self-regulating profession, elected veterinary surgeons should continue to form the majority of Council.
- Given the clear role the RCVS will have in the future as the regulator of the veterinary nursing profession following the introduction of the new Charter (17 February 2015), the inclusion of veterinary nurses on the Council is essential.
- As the defender of the public interest, formal lay representation on Council should be increased.
- As the body responsible for setting standards for veterinary education, to ensure that Council continues to benefit from the expertise of the UK Universities with accredited Veterinary degrees collective representation of these institutions is required on Council.
- In order to ensure Council is fit to represent and serve the College, there must be transparent mechanisms to bring individuals with appropriate skills and experience onto Council or Committees.

Call for views on specific issues

2.2 In the previous Chapter we outlined some of the issues and problems that the RCVS experiences with the currently constituted Council. Considering both these, and the general principles outlined above, we would like to seek your views on possible ways in which the governance of the RCVS could be reformed.

1. Composition

2.3 It is suggested that the composition of Council should be altered and that the future make-up should be: elected veterinary surgeons; elected or appointed veterinary nurses; Council members with educational expertise appointed on behalf of the UK veterinary universities, and independently appointed lay-persons.

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

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

2.5 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.

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

2.6 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.

2.7 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.

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

2.8 Lay members: Although CHRE advise parity of membership between lay and professional members 'to ensure that purely professional concerns are not thought to dominate councils' work', the RCVS occupies a unique position, in being a Royal College that regulates. The non-regulatory activities that the RCVS undertakes which are more akin to a Royal College; such as the Award of Fellowships, Diplomas and Certificates, demand a Council with a significant depth and breadth of relevant

professional expertise. In order to meet these obligations a larger Council with a greater proportion of elected veterinary surgeons is required.

2.9 However, the RCVS also works in the public interest, and it would be beneficial that there should in the future be statutory provision for independently appointed lay representation on Council.

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

2. Size

2.10 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. The Council for Healthcare Regulatory Excellence (CHRE) report suggested an optimum membership for a board-like structure at between 8-12 members. RCVS Council is currently 42 members, and is supported by an Operational Board composed of 7 Council members and 2 executive staff members. (Annex E lists a number of the UK regulated professions and the size of their governing bodies.)

2.11 However, the argument for a board-like structure needs to be balanced against the dual functions of the RCVS Council as set out above, meaning that the size, although reduced from the current position, would still need to stay larger than typically found in other regulatory bodies.

2.12 We have considered a range of alternative sizes, and a minimum of a 25% reduction in Council membership is thought to be necessary in order to deliver significant improvements in its efficiency.

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

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

Q7: Are there other options that you think should be considered?

3. Election/Appointment systems

2.13 In the previous chapter we discussed that if the composition and/ or size of RCVS Council altered then consideration would need to be given to how new members were moved onto the Council. This section considers: veterinary membership, veterinary nurses, lay-persons and veterinary educational experts.

2.14 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.

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

2.15 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 will 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 principles².

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

- 1) By direct election, as with veterinary members;**
- 2) By independent appointment panel;**
- 3) Don't know;**
- 4) Other (please specify).**

2.16 If a system of elections is set up for both veterinary surgeons and veterinary nurses, consideration will need to be given to the composition of the electorate.

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.

² 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.

2.17 Lay members: 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.

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

2.18 Educational expertise: If there are no longer to be two members on Council appointed by each university, then a new appointment provision will need to be agreed. It is 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. Of course, veterinary surgeons who work at the universities are also eligible to stand for election in that category of Council member.

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

Q13: Is there an alternative that should be considered?

2.19 Skills & experience: Another consideration is that 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. As a contrast to the proposals above, it has been suggested that an alternative system might involve 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.

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

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

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

4. Terms and conditions of office

2.20 When revising the governance at RCVS it is 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.

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

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

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

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?

2.21 It has also been 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.

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

5. Flexibility for the future

2.22 As explained in paragraph 1.5, the legal provisions regarding the Council of the RCVS are contained prescriptively in the Veterinary Surgeons Act 1966. If, following consultation, it is decided that reform is needed we will need to get Parliament to pass new legislation to amend the VSA.

2.23 However, it is likely that a certain degree of prescription will have to remain in the VSA, and this will mean that RCVS cannot respond as quickly as it might like to if, in the future, it is necessary to carry out further governance reforms- for example, if the RCVS decide to take regulatory responsibility for any additional allied professions under the provisions of its Royal Charter. The reason for this is that amendment of primary legislation (an Act of Parliament) takes quite some time. 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.

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

Cost and impact of proposed changes

2.24 The proposed changes affect only the statutory regulator itself (RCVS) and all costs will be incurred by the RCVS; there are no financial implications upon business or the voluntary sector, and no costs or obligations are being placed upon business or civil society organisations.

When will any changes take place?

2.25 It is expected that reforms will commence during late 2016/ early 2017, and it is likely that there may be a transitional period when a number of existing elected Council members will serve concurrently with the newly appointed members in order to fulfil the remainder of their elected terms.

Chapter 3: how will any changes be made?

3.1 Following consultation Defra and the RCVS will work together to propose a future model of governance for the College. As we have previously explained this will mean making amendments to the Veterinary Surgeons Act 1966 (section 1 and schedule 1). We propose to make these changes by means of a Legislative Reform Order (LRO). This is a piece of legislation that can be made by Government Ministers (secondary legislation) but which can amend primary legislation (Acts of Parliament).

3.2 Ministers can use powers given in the LRRRA to make the reforms. These must be for stated purposes: “section 1 orders” are those where the changes to the original legislation seek to remove or reduce burdens, whereas “section 2 orders” make changes for the purpose of securing that regulatory activities are exercised in a way that is transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed. (Greater detail on the order-making powers of an LRO can be found in Annex D and at the following link <http://www.parliament.uk/business/committees/committees-archive/regulatory-reform-committee/regulatory-reform-orders/>).

3.3 We believe the changes proposed to the governance at RCVS meet the order making powers in the following ways; and would welcome your views on our analysis.

How the proposals meet sections 1 & 2 of the LRO

Section 1: Removal of a burden

Evidence

3.4 The burden that we wish to remove is that associated with the current constitution (in particular size but also membership/ structure) of the RCVS. The current size of Council is 42 members, with a statutory requirement for only a small proportion of lay members. This large governing body represents, in the main, **an obstacle to efficiency and productivity**. Large governing bodies are not conducive to effective decision making and communication, and this is an issue that the RCVS have themselves identified as causing problems.

3.5 Representation: The lack of lay representation has an adverse effect on the reputation of the RCVS with the public, and the lack of VN representation is of concern to the 12,000 veterinary nurses the RCVS regulates (through its Royal Charter powers).

3.6 Costs: The financial cost of each Council meeting is circa £24,000 through reimbursement of expenses and loss of earnings. The importance of this is not necessarily the potential reduction in the cost of each meeting *per se*, but the implications of such a reduction. Currently this presents another obstacle to efficiency, and because of the high costs that would be incurred if Council were to meet often enough to take timely decisions, an Operational Board is required. The result is decision-making divided between Council and the Board, with a danger of unclear accountability for those decisions.

3.7 Those affected: Veterinary surgeons, Veterinary Nurses (VNs) and the animal owning public are affected by delays and difficulties related to decision making under the current governance arrangements.

Q23. Do you think the proposals will remove or reduce a burden as explained in paragraph 3.4 above?

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

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.

Evidence

3.8 There is significant evidence regarding regulatory “best practice” in relation to governance. This includes:

- The *Department of Health White Paper Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century* (2007)
- The Government’s Command Paper *Enabling Excellence – Autonomy and Accountability for Healthcare Workers, Social Workers and Social Care Workers* (February 2011)
- The Council for Healthcare Regulatory Excellence (CHRE) – now the Professional Standards Authority - report to the Department of Health (England), *Board size and effectiveness: advice to the Department of Health regarding health professional regulators* (September 2011) in September 2011.

3.9 As a result of the CHRE report and subsequent public consultation, Government accepted that the evidence shows that smaller board sizes allow the board to focus on its function of strategic oversight and leadership, and of holding the executive to account in an effective manner.

3.10 The principal regulatory function affected by the proposed LRO is s1(1) of the Act: “managing the affairs of the Royal College of Veterinary Surgeons”.

- **Transparent** – new election and appointment processes put in place will be transparent; agendas and unclassified papers for Council meetings will continue to be made publicly available.
- **Accountable** – terms and conditions of office should ensure that the regulator (the RCVS Council) is better subject to public scrutiny. The inclusion of veterinary nurses and lay persons on the Council will make Council more accountable to those it regulates.
- **Proportionate** – through the establishment of the most effective size of Council to manage the affairs of the RCVS there should be more focused decision-making and so a more proportionate approach to managing the affairs of the RCVS.
- **Consistent** – consistently applied principles of appointment. 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.
- **Targeted** – 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.

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 in paragraph 3.10 above?

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

Section 3: preconditions & restrictions

3.11 We cannot make an LRO under section 1 or section 2 of the Act unless the preconditions in section 3 of the LRA are met. We would particularly welcome your views on whether and how each aspect of the proposed changes in this consultation document meets the following preconditions:

(i) Non Legislative solutions: The policy objective could not be satisfactorily achieved by non-legislative means (section 3(2)(a))

The constitution and governance arrangements for the Council of the Royal College of Veterinary Surgeons (RCVS) are laid down by statute, in Section 1 of (and Schedule 1 to) the Veterinary Surgeons Act 1966. We cannot use: secondary legislation, using a specific order-making power under the existing Act; improved guidance; voluntary code of practice or some form of self-regulation. A change to the primary legislation is the only solution.

Q27: We ask if you agree with our assessment in this regard?

(ii) Proportionality: The effect of the provisions are proportionate to the policy objective (section 3(2)(b))

The policy objective is for the RCVS to be governed by a body that can be more effective at its designated function. The proposed changes are not extreme and should serve these purposes, clarifying responsibilities and promoting effective management. There is no departure from the RCVS's established (and still desired) principles that its Council should comprise elected members of the veterinary profession; representation of the veterinary schools; veterinary nurses, and lay members.

Q28: We ask if you agree with our assessment in this regard?

(iii) 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))

The proposed order could, in principle, be seen to adversely affect those who already serve on Council. Because the new governance arrangements propose a more efficient structure, the implication is that there will be fewer Council places available in future. Existing members of the RCVS Council may regret the reduced opportunity to serve in future. However, service as an RCVS Council member is not meant to confer any benefit on the individual concerned. There is an overriding public interest in ensuring that the profession is properly regulated and that matters of governance are not thought to focus on purely professional concerns. The profession itself also wishes to ensure that its reputation with the animal owning public, in particular, remains secure.

The universities will have reduced representation under the proposal. However, each university is aware of this and agrees to the principle.

Present Council will support the change before it is brought before Parliament.

Q29: We ask if you agree with our assessment in this regard?

(iv) Necessary protection: The provisions of the proposed order will not remove any necessary protections (section 3(2)(d))

The proposed order will not remove any necessary protections and should bring governance at the RCVS closer in-line with recognised, regulatory best practice.

Q30: We ask if you agree with our assessment in this regard?

(v) 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 are not aware of any right or freedom which would be affected by this proposal. Membership of Council is a public service. Members are elected and/ or appointed for specific terms of office; there should be no legitimate expectation for such service to last beyond that appointment. Members are not paid, but reimbursed only for expenses incurred and loss of earnings. Sensible transition arrangements will be put in place so as to honour any existing commitments to Council members.

The universities will have reduced representation under the proposal. However, each university is aware of this and agrees to the principle.

The LRO will be presented to Parliament only if the existing RCVS Council approves its introduction.

Q31: We ask if you agree with our assessment in this regard?

(vi) Constitutional significance: The provisions of the proposed order should not be constitutionally significant (section 3(2)(f))

The provisions are limited to the regulation of veterinary profession and are therefore not of constitutional significance.

Q32: We ask if you agree with our assessment in this regard?

(vii) If the proposal restates an enactment it must make the law more accessible or more easily understood (section 3(4))

N/A

Chapter 4: possible parliamentary procedure

4.1 The Minister can recommend one of three alternative procedures for Parliamentary scrutiny dependent on the size and importance of the LRO. The negative resolution procedure is the least onerous and therefore may be suitable for LROs delivering small regulatory reform. The super-affirmative procedure is the most onerous involving the most in-depth Parliamentary scrutiny. Although the Minister can make the recommendation, Parliamentary Scrutiny Committees have the final say about which procedure will apply.

General principles

4.2 Options

- (i) **Negative Resolution Procedure** – This allows Parliament 40 days to scrutinise a draft LRO after which the Minister can make the LRO if neither House of Parliament has resolved during that period that the LRO should not be made.
- (ii) **Affirmative Resolution Procedure** – This allows Parliament 40 days to scrutinise a draft LRO after which the Minister can make the LRO if it is approved by a resolution of each House of Parliament.
- (iii) **Super-Affirmative Resolution Procedure** – This is a two-stage procedure during which there is opportunity for the draft LRO to be revised by the Minister
 - This allows Parliament 60 days of initial scrutiny, when the Parliamentary Committees may report on the draft LRO, or either House may make a resolution with regard to the draft LRO:
 - If, after the expiry of the 60 day period, the Minister wishes to make the LRO with no changes, he must lay a statement. After 15 days, the Minister may then make a LRO in the terms of the draft, but only if it is approved by a resolution of each House of Parliament.
 - If the Minister wishes to make material changes to the draft LRO he must lay the revised draft LRO and a statement giving details of any representations made during the scrutiny period and of the revised proposal before Parliament. After 25 days, the Minister may only make the LRO if it is approved by a resolution of each House of Parliament.

4.2 Under each procedure, the Parliamentary Scrutiny Committees have the power to recommend that the Minister not make the LRO. If one of the Parliamentary Committees makes such a recommendation, a Minister may only proceed with it if the recommendation is overturned by a resolution of the relevant House.

Proposal for parliamentary procedure

4.3 The Department for Environment, Food and Rural Affairs believes that the affirmative resolution procedure should apply to this LRO. The proposal for using this procedure is that while the amendments are not purely administrative or technical, which would warrant use of the negative procedure, they are considered to be straightforward policy proposals and not of such fundamental significance as to require the super-affirmative procedure.

Q33: Do you agree with our proposal for parliamentary procedure? Please give your reasons.

Annex A: list of questions

Call for views on specific issues

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

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

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

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

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

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

Q7: Are there other options that you think should be considered?

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

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

- 1) By direct election, as with veterinary members;
- 2) By independent appointment panel;
- 3) Don't know;
- 4) Other (please specify).

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.

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

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

Q13: Is there an alternative that should be considered?

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

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

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

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

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

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

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?

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

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

How the proposals meet sections 1 & 2 of the LRO

Section 1: Removal of a burden

Q23. Do you think the proposals will remove or reduce a burden as explained in paragraph 3.4 above?

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

Section 2: Regulatory best practice

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 in paragraph 3.10 above?

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

Section 3: preconditions & restrictions

We cannot make an LRO under section 1 or section 2 of the Act unless the preconditions in section 3 of the LRRRA are met. Our view is that the proposals in this consultation document meet the following preconditions:

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?

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?

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?

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?

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?

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?

Proposal for parliamentary procedure

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

Annex B: 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 C: current RCVS Council

Members of the RCVS Council	Dates
Mrs Elaine Acaster OBE DipDSc DipDietetics	[U (London) 2014 – 2018]
Prof David J Argyle BVMS PhD DECVIM-CA (Oncology) MRCVS	[U (Edinburgh) 2012 – 2019]
Mr Christopher T Barker BVSc CertVR MLitt MRCVS	[E 2012 – 2016]
Mr David J Bartram BVetMed DipM MCIM CDipAF DipECSRHM MPhil FRCVS	[E 2014 – 2018]
Ms Amanda K Boag MA VetMB DipACVIM DipACVECC DipECVECC FHEA MRCVS	[E 2012 – 2016]
Dr Karen Braithwaite BSc PhD MBA	[U (Nottingham) 2011 – 2019]
Prof Ewan Cameron BVMS PhD MRCVS	[U (Glasgow) 2011 – 2019]
Mr David F Catlow BVSc MRCVS [E 2010 – 2018]	[E 2010 – 2018]
Mr Niall T Connell BVMS CertSAO MRCVS	[E 2013 – 2019]
Dr Jerry V Davies BVetMed PhD DVR DipECVS DipECVDI MRCVS	[E 2001 – 2017]
Mr Richard Davis BSc(Hons)	[PC 2009 – 2017]
Prof Susan Dawson BVMS PhD MRCVS	[U (Liverpool) 2011 – 2016]

Mrs Joanna (Jo) M Dyer BVSc DipM MRCVS	[E 2015 – 2019]
Prof Gary C W England BVetMed PhD DVetMed DVR CertVA DVRRep DipACT DipECAR FHEA FRCVS	[U (Nottingham) 2011 – 2019]
Mr Nigel P Gibbens BVetMed MSc MRCVS	[PC 2008 – 2016]
Mr Chris J Gray MA MBA VetMB MRCVS	[E 2009 – 2017]
Ms Mandisa O Green BVM&S MRCVS	[E 2014 – 2018]
Prof Timothy (Tim) R C Greet BVMS MVM CertEO DESTS DipECVS FRCVS	[E 2015 – 2019]
Prof Michael E Herrtage BVSc MA DipECVIM-ca DipECVDI DVR DVD DSAM DVSc MRCVS	[U (Cambridge) 1997 – 2016]
Mrs Lynne V Hill MVB MBA MRCVS	[E 1999 – 2019]
Mr Douglas C Hutchison FRSE BVMS MRCVS	[U (Glasgow) 2015 – 2019]
Mrs Andrea K Jeffery MSc DipAVN(Surgical) CertEd RVN	[U (Bristol) 2010 – 2018]
Mrs Rachel J Jennings LLB BCV PGDip	[PC 2010 – 2018]
Mr Peter C Jinman OBE BVetMed DipArb FCI Arb ARAgS MRCVS	[E 2005 – 2017]
Dr J Barry Johnson BVSc DVSc(hc) MRCVS	[E 1985 – 1997, 2000 – 2016]

Mr Timothy (Tim) J King BVMS MRCVS	[U (Edinburgh) 2014 – 2018]
Prof Stephen A May MA VetMB PhD DVR DEO DipECVS FHEA FRCVS	[U 2001 – 2009, E 2012 – 2016]
Ms Jacqui R Molyneux BVSc BSc CertSAS MRCVS	[E 2006 – 2018]
Mrs Susan (Sue) Paterson MA VetMB DVD DipECVD MRCVS	[E 2014 – 2018]
Prof Joanna (Jo) S price BSc BVSc PhD MRCVS	[U (Bristol) 2010 – 2019]
Prof Stuart W J Reid BVMS PhD DVM DipECVPH FRSE MRCVS	[U (London) 2011 – 2016]
Dr Katherine (Kate) A Richards DipM BVM&S MRCVS	[E 2015 – 2019]
Mr Peter B Robinson BVMS MRCVS	[E 2015 – 2019]
Dr Kieron Salmon PhD PGCertHE BVSc FHEA MRCVS	[U 2015 – 2016]
Col Neil C Smith BVetMed MSc MDA MA L/RAVC MRCVS	[E 2004 – 2008, 2010 – 2018]
Mr Richard S Stephenson BVMS CertVR CertEP MRCVS	[E 2008 – 2016]
Dr Christopher (Kit) P Sturgess MA VetMB PhD CertVR CertVC DSAM MRCVS	[E 2013 – 2016]

Mr Chris W Tufnell BSc(Hons) BVMS MRCVS	[E 2009 – 2017]
Dr Bradley P Viner BVetMed MSc(VetGP) DProf MRCVS	[E 2005 – 2017]
Dr Thomas H Witte BVetMed DipACVS DipECVS FHEA PhD MRCVS	[E 2013 – 2017]
Prof James L N Wood BSc BVetMed MSc PhD DipECVPH MA FSB MRCVS	[U (Cambridge) 2013 – 2016]

[Dates for service on Council are enclosed by square brackets]

- E Elected member
- PC Member appointed by the Privy Council
- U Member appointed by University

Please note one Privy Council position is currently vacant.

Annex D: Legislative Reform Order-making Powers

What can be delivered by a Legislative Reform Order?

Section 1

Under section 1 of the LRRRA a Minister can make a LRO for the purpose of 'removing or reducing any burden, or overall burdens, resulting directly or indirectly for any person from any legislation'.

Section 1(3) of the LRRRA defines a 'burden' as:

- a financial cost;
- an administrative inconvenience;
- an obstacle to efficiency, productivity or profitability; or
- a sanction, criminal or otherwise, which affects the carrying on of any lawful activity.

Section 2

Under section 2 of the LRRRA a Minister can make a LRO for the purpose of securing that regulatory activities are exercised in a way that is transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed.

'Regulatory function' is defined in section 32 as:

- a function under any enactment of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to any activity; or
- a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which under or by virtue of any enactment relate to any activity.

Section 20 Orders

Section 20 of the LRA enables a Minister to exercise the order-making powers under sections 1 and 2 together with the power to make an order under section 2(2) of the European Communities Act 1972 in a single instrument. This enables a single order to implement Community law under section 2(2) of the 1972 Act and, for example, to remove or reduce burdens resulting from pre-existing statutory provisions.

Preconditions

Each proposal for a LRO must satisfy the preconditions set out in section 3 of the LRA. The questions in this document are designed to elicit the information that the Minister will need in order to satisfy the Parliamentary Scrutiny Committees that, among other things, the proposal satisfies these preconditions. For this reason, we would particularly welcome your views on whether and how each aspect of the proposed changes in this consultation document meets the following preconditions:

- **Non-Legislative Solutions** – A LRO may not be made if there are non-legislative solutions which will satisfactorily remedy the difficulty which the LRO is intended to address. An example of a non-legislative solution might be issuing guidance about a particular legislative regime.
- **Proportionality** – The effect of a provision made by a LRO must be proportionate to its policy objective. A policy objective might be achieved in a number of different ways, one of which may be more onerous than others and may be considered to be a disproportionate means of securing the desired outcome. Before making a LRO the Minister must consider that this is not the case and that there is an appropriate relationship between the policy aim and the means chosen to achieve it.
- **Fair Balance** – Before making a LRO, the Minister must be of the opinion that a fair balance is being struck between the public interest and the interests of any person adversely affected by the LRO. It is possible to make a LRO which will have an adverse effect on the interests of one or more persons only if the Minister is satisfied that there will be beneficial effects which are in the public interest.
- **Necessary protection** - A Minister may not make a LRO if he considers that the proposals would remove any necessary protection. The notion of necessary protection can extend to economic protection, health and safety protection, and the protection of civil liberties, the environment and national heritage.

- **Rights and freedoms** - A LRO cannot be made unless the Minister is satisfied that it will not prevent any person from continuing to exercise any right or freedom which they might reasonably expect to continue to exercise. This condition recognises that there are certain rights that it would not be fair to take away from people using a LRO.
- **Constitutional Significance**— A Minister may not make a LRO if he considers that the provision made by the LRO is of constitutional significance.

It should be noted that even where the preconditions of section 3 of the LRRRA are met, a LRO cannot:

- Deliver 'highly controversial proposals;
- Remove burdens which fall solely on Ministers or Government departments, except where the burden affects the Minister or Government department in the exercise of regulatory functions;

Confer or transfer any function of legislating on anyone other than a Minister; persons or bodies that have statutory functions conferred on or transferred to them by an enactment; a body or office which has been created by the LRO itself;

- Impose, abolish or vary taxation;
- Create a new criminal offence or increase the penalty for an existing offence so that it is punishable above certain limits;
- Provide authorisation for forcible entry, search or seizure, or compel the giving of evidence;
- Amend or repeal any provision of Part 1 of the LRRRA;
- Amend or repeal any provision of the Human Rights Act 1998;
- Remove burdens arising solely from common law.

Devolution

The LRRRA imposes certain restriction regarding LROs and the devolution agreements:

Scotland – A Minister cannot make a LRO under Part 1 of the LRRRA which would be within the legislative competence of the Scottish Parliament. This does not affect the powers to make consequential, supplementary, incidental or transitional provisions.

Northern Ireland – A Minister cannot make a LRO under Part 1 of the LRA that amends or repeals any Northern Ireland legislation, unless it is to make consequential, supplementary, incidental or transitional provisions.

Wales – The agreement of the Welsh Ministers is required for any provision in a LRO which confers a function upon the Welsh Ministers, modifies or removes a function of the Welsh Ministers, or restates a provision conferring a function upon the Welsh Ministers. The agreement of the National Assembly for Wales is required for any provision in a LRO which is within the legislative competence of the Assembly.

Annex E: UK Professions – size of governing bodies

Governing body for the profession	Size
General Medical Council	12
General Dental Council	12
Health and Care Professions Council	12
General Chiropractic Council	14
General Pharmaceutical Council	14
General Osteopathic Council	14
Nursing and Midwifery Council	12
Solicitors Regulation Authority	15
Architects Registration Board	15
The Engineering Council	22
Chartered Institute of Library and Information Professionals	12-15
Chartered Institute of Taxation	27
Chartered Institute of Management Accountants	55
Chartered Institute of Public Finance and Accountancy	21
Chartered Institute of Arbitrators	Board of Trustees = 12 Management Board = not more than 15
Council for Licensed Conveyancers	9
Insolvency Practitioners Association	16
Costs Lawyers Standards Board	16
Bar Standards Board	15

Governing body for the profession	Size
Chartered Institute of Legal Executives	23
Chartered Institute of Patent Attorneys	26
Chartered Management Institute	13
Chartered Institute of Architectural Technologists	24
Royal Town Planning Institute	General Assembly = 56 + Board of Trustees = 16
Institution of Chemical Engineers	15 maximum
Institution of Engineering and Technology	Trustees 15 members Council 37 members
Energy Institute	16
Royal Institution of Chartered Surveyors	58
Chartered Institute of Marketing	13
Institute of Mathematics	25-31
Royal Meteorological Society	19
Chartered Institute of Building	15
Society of Dyers and Colourists	9
Royal Institution of Naval Architects	12
Farriers Registration Council	16
Chartered Institute for Environmental Health	10
Chartered Institution of Water and Environmental Management	15 (maximum)