

For the attention of:  
RCVS President Linda Belton  
RCVS Council  
RCVS Registrar  
RCVS CEO Lizzie Lockett  
Chair VN Council, Belinda Andrews-Jones

The Royal College of Veterinary Surgeons  
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cc  
Nigel Edwards KC, Crown Chambers  
Ayesha Smart, Barrister, Crown Chambers

Monday 15<sup>th</sup> July 2024

Dear Colleagues

We appreciate that the College is holding a consultation on changes to the Veterinary Surgeons' Act (VSA), and how much work it must have entailed to put together. According to comments reported in *Vet Times* on Mon 8<sup>th</sup> July 2024, RCVS President Dr Belton argued that change can be "bold and beneficial" if it is implemented in a context of "trust and mutual support" among the professions' stakeholders, and stated that "this is a two-way conversation requiring many perspectives, evaluation of many options, much information gathering and extensive consultation – please be part of it".

We agree and fully support the RCVS's view that there should be modern, effective, balanced and fair democracy within the profession over key matters connected with any proposed changes to the Veterinary Surgeons' Act (VSA) and that wide consultation is essential. Such key and important changes for the profession should surely be fully debated by the veterinary profession so to harness the collective knowledge and experience of Members, so that the VSA too can be modern, effective, functioning, balanced and fair.

The outgoing RCVS President Dr Sue Paterson has requested (*Vet Times* 8<sup>th</sup> July) that Members do not write to the RCVS with "poison pen", but also that it is "entirely appropriate" for the College to be challenged in what she described as a "robust, informed, but respectful" way.

It is in this respectful spirit that we write to you today, for we wish to be part of, and contribute to, the consultation process.

However, we have grave concerns in relation to the democratic process used both in the run up to, and within, the consultation on RCVS Council membership which started on 10th June 2024.

The RCVS must be aware that there are strong views in the profession and, we understand, on Council, that our democratic right to elect Members to RCVS Council should remain. Bruce Vivash Jones, for example, described in the *Vet Record* of 15<sup>th</sup> March 2024 his detailed concerns over the proposed move to an appointment-based system, urging its rejection<sup>1</sup>.

Members should surely receive the same degree of information regarding the benefits of an electoral system as that which has already been provided to

Members by the RCVS in favour of an appointment-based system. Only through balanced information would members be able to make informed decisions and record these in their consultation responses.

We believe, for example, that the following arguments about the importance of democratic elections have not been presented to Members:

- 1. Democratic Principles:** Annual elections uphold democratic principles by allowing Members to frequently exercise their right to vote, ensuring that the Council remains representative of current opinions and needs.
- 2. Accountability:** Regular elections keep the members of Council accountable as they must regularly justify their actions and decisions to the electorate.
- 3. Engagement and Participation:** Annual elections encourage engagement and participation from Members. By voting every year, Members remain more involved and informed about the Council's activities and policies.
- 4. Preventing Complacency:** Frequent elections can prevent complacency among Council members. Knowing that they will need to campaign to be re-elected can motivate Councillors to work harder and be more responsive to the needs of the profession.
- 5. Reflecting Rapid Changes:** The veterinary profession can undergo rapid changes due to new scientific developments, regulatory changes or shifts in public opinion. Annual elections ensure the Council can quickly adapt to these changes by reflecting the most current views of Members of the RCVS.
- 6. Transparency:** Regular elections can enhance transparency within the organisation. Annual campaigns and voting processes require clear communication of candidates' platforms and the Council's activities, promoting an open and transparent organisational culture.
- 7. Inclusivity and independence:** Annual elections may be more inclusive by providing frequent opportunities for diverse candidates to stand for election. This can help ensure a wider range of independent voices and perspectives are represented on Council.
- 8. Tradition and Stability:** The tradition of annual elections to Council goes back to 1844 and can thus provide a sense of stability, confidence and continuity.

Since June 5th 2024, the RCVS has sent multiple emails to Members concerning the consultation, as well as presenting online information relating to it, all promoting the RCVS view that an appointment system should be used, and that democratic elections to Council should cease.

**The emails were from:**

1. Outgoing RCVS President, Sue Paterson (5th June). This stated, for example, that *'We have a large majority of professionals on our Council. This, alongside our system of elections, may not provide the best assurance to the public'*. Linking those two issues does not seem relevant, as the first sentence applies to whichever Council membership system is chosen. The second sentence is perhaps conjecture, for the public might surely be more reassured by the RCVS overseeing the election of rank and file ordinary Members to Council, than by an appointment system.
2. The Chair of the VN Council, Belinda Andrews-Jones (6th June). This

stated, for example, that: *'As one of those appointed vet nurse members myself, I can personally attest to the robustness of the application and independent appointment process'*.

3. The outgoing RCVS President (7th June). This too argued for the RCVS's case, calling for less influence of the profession on Council and an appointments system.

4. The outgoing RCVS President and the Chair of the VN Council (10th June). This included a video address from the then RCVS President stating that 'We need to move to an appointed system...' 'An appointed system has huge advantages to it...'

5. The outgoing RCVS President (21st June). This contained links to seminars and recordings/podcasts also promoting the view of the RCVS. The panel members for these discussions present the RCVS view, with no speaker on the panel able to elucidate the opposite view in the interests of fairness.

6. The RCVS (28th June). This was a reminder to vote, and a reminder of the RCVS position.

7. The RCVS (12<sup>th</sup> July). This was a reminder to vote and a reminder of the RCVS position. Learning resources offered were not concerned with the history of RCVS Council, and did not link to RCVS Knowledge for example, so to better inform colleagues. Rather the links all led to RCVS online information, to the outgoing President's video, the webinar, the podcasts and launch session.

### **The emails linked to web content and the consultation itself**

Web content and the consultation itself overwhelmingly present the RCVS viewpoint, with no convincing presentation of alternative views. The consultation admits that the profession could keep an electoral system to RCVS Council, that RCVS Council continues to recommend an arrangement that is unique among regulators - as the RCVS is a Royal College that regulates - and that most Royal Colleges have an electoral system. Yet these arguments do not appear to be adequately explored. There is conjecture that appointments look better as far as the public is concerned, which to us is counter-intuitive. We believe it is exactly the opposite. Appointment systems, as take place in the House of Lords for example, frequently appear venal, based on cronyism, inappropriate and untrustworthy. Appointment systems are open to favouritism and political appointments and the general public are aware of this. An appointment system perhaps runs the risk that the public will view it as 'the great and the good' appointing 'the great and the good'. We do not here intend to flag every instance of what might be considered bias in the College's promotion of its preferred system, though there are certainly examples.

### **Social media**

Content from the emails, RCVS online content, the then RCVS President's video, as well as the seminars, podcasts and recordings have all been widely shared and promoted via social media, in addition to the original emails noted at 1-7 above.

The rather one-sided process has perhaps left the College open to claims that the RCVS might give the appearance at least of rather leading the jury of

Members, nurses and the general public, urging them to support its recommendations, without presenting countervailing views to them for consideration. It might similarly be construed that the RCVS is giving the impression at least of setting up a narrative supporting its view so as to influence the consultation.

**Lack of key document (or documents) and information pertaining to regulations and the history of democracy in the profession**

In addition to the apparent bias in promotion of the consultation, there is a key legal document (or documents) missing from the RCVS website. The RCVS webpage that details previous legislation and history in relation to Council elections is missing, so that Members are not able to read pertinent and fundamental background information.

The relevant pages that have web links to the broken document are below:  
<https://www.rcvs.org.uk/how-we-work/royal-charter-and-legislation/regulations-rules-and-the-election-scheme/> AVAILABLE

<https://www.rcvs.org.uk/how-we-work/royal-charter-and-legislation/> AVAILABLE

From both these pages, the below link is broken:

<https://www.rcvs.org.uk/document-library/rcvs-council-election-scheme-1967-as-amended-in-2006-temporary/> NOT AVAILABLE

We attach screenshots confirming our access times of the broken link. Attempts were made to link from both of the pages we outline above, but which both produced the same message of: *We cannot find the page you are looking for.*

The missing document(s) (and broken weblink) we describe above are also not available on RCVS knowledge, although a great deal of other relevant legislation and information is provided, which perhaps could have been presented to Members, so better to inform them.

For example that The Royal Charter established in 1844 *provided for the College to be managed by a Council, the members of which were to be elected at the annual general meeting of the members. The Council was to have 24 members, six of whom were to be subject to re-election each year.* Our predecessors' logic seems impeccable, with 24 members each sitting for 4 years, with one quarter (6) being elected or standing down in each year of the four year cycle.

Without a referendum of the profession, and based on a consultation from Defra that Members seemed overwhelmingly unaware of - garnering a mere 52 responses - that number was reduced from 6 to 3 in 2018, halving the number of vets joining council (and standing down) at each election. This not only limited the turnover of Council members, leading to greater stasis of personnel, it also permanently denied Members who finish in 4th, 5th and 6th place, perhaps those less well known or venerated, a chance to join Council.

Imagine how important their perspective and contribution could have been.

One of the roles of the RCVS, as highlighted in the Terms of Reference of Council papers of 8<sup>th</sup> June 2023 (2,b, xi) is: *Providing information services and information about the historical development of the veterinary professions.*

In our view, the RCVS has failed in this consultation to provide relevant legislation and history connected with the electoral system for Council.

### **Standards**

In the Terms of Reference of Council papers of 8<sup>th</sup> June 2023 (point 7) it is noted that Councillors will:

*7 a. Abide by the Nolan Principles of Public Life\**

\*The principles are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. They aim to foster an ethical culture and legitimacy in public services.

*7. c. Respectfully listen to the voices of the professions, the public and other stakeholders, and reflect them in discussions where appropriate, ensuring they are put into context*

*7.i. Recognise the importance of a collegiate atmosphere where robust discussion is welcomed in the formation of policy and multiple points of view are listened to and respected*

We are not convinced that all Councillors are able to ensure objectivity and openness on this issue. Firstly as their own views may not be expressed outside Council if those views contradict RCVS policy, and secondly, as the views of the profession have not been sought by a professional polling organisation, those views cannot inform robust reflection and discussion.

### **Summary and a way forward**

As you will see from the various arguments above we do not believe that the RCVS has fulfilled its mandate of adequately informing the profession of the history, detail, significance and choices which relate to democracy in the profession and election to Council, such that Members are able to make informed responses. Neither has the RCVS ensured robust, fair, impartial and fulsome debate on the issue before any consultation.

In light of all of the above, we respectfully suggest that the RCVS records and notes the consultation responses thus far and sets them aside for later analysis.

We then urge you to share the missing document(s) with members (or a detailed alternative document explaining both history and legislation relating to elections to Council) along with key additional information on the countervailing view, and then re-consult in a fair and balanced way.

What we suggest in the interests of fairness is given below:

1. We request equal communications be sent to the professions promoting the retention of democratic elections to RCVS Council, as has already been sent by the RCVS promulgating its view. This equality in communications should cover RCVS information in:

- i) Multiple emails
- ii) Articles and documents online at the RCVS website
- iii) Social media postings
- iv) Seminars, podcasts and recordings - there should initially be seminars solely paneled by those promulgating a system of democratic elections
- v) A well publicised second seminar or live debate with both sides of the argument represented equally on the panel would be democratically ideal
- vi) An explainer video that presents the countervailing view to that given in the outgoing President's video
- vii) The wording of the consultation itself, which should be balanced and fair

2. A repair of the missing link so that members can view the history of democracy in the profession <https://www.rcvs.org.uk/document-library/rcvs-council-election-scheme-1967-as-amended-in-2006-temporary/> . If that original document or documents are unavailable, a summary of the history of democratic elections to Council over time should be prepared for members.

3. An email to Members highlighting that this document is missing, and providing the original document(s) (or new summary document) as a PDF.

4. Such is the magnitude of the proposed changes by the RCVS that we believe it is only through a yes/no referendum that the profession can make such a momentous and permanent alteration to its regulations and constitution. We urge that the RCVS, after ensuring equal promotion of both sides of the argument, use a professional polling organisation to conduct that referendum. As Civica Election Services is already utilised by the College to oversee the election of Members to Council, they would seem an appropriate choice, for example.

Had such a referendum been carried out in the 1990s with respect to the corporatisation of the profession, voices calling for caution and the need for checks and balances might have held more sway. If so, perhaps we might not now be facing such open criticism from public and media alike, and there might have been no need for a CMA inquiry into anti-competitive practices. Changes of such gravity surely need robust debate and subsequent buy-in from the whole profession.

For example on the issue of elections to Council, the questions could be along the below lines to ensure clarity:

A. Do you agree with the RCVS proposal that Members of RCVS should no longer be elected to Council, but appointed? Yes/No

B. Do you agree with the Progressive Veterinary Association (PVA) (or other term) that the democratic election of Members of the RCVS to Council should remain? Yes/No

C. Do you agree with the RCVS that the current number of elected Councillors (13) should be zero, and that all Council members should be appointed? Yes/No

D. Do you agree with the PVA (or other term) that the current number of elected Councillors (13) should remain at 13? Yes/No

E. Do you agree with the RCVS that the current number of elected Councillors per annum (3) should be reduced to 0? Yes/No

F. Do you agree with the PVA (or other term) that the current number of elected Councillors per annum (3) should revert to 6, as it was from 1844 till 2017? Yes/No

Whilst we do not necessarily expect you to agree with us that democracy in the profession, as relates to election to Council, is an important and fundamental matter, we urge you to support our request for fair and transparent democracy within the profession as relates to a consultation regarding the permanent loss of democracy, which will affect the future of the profession for evermore.

In our view the RCVS proposals risk surrendering the independence and sovereignty of the RCVS, leaving little democratic input from ordinary members of the profession. By contrast the human medical profession has separate democratic elections for membership of:

1. 16 respective Royal College Councils of the different disciplines, for example the Royal College of General Practitioners (RCGP) Council and the Royal College of Physicians (RCP) Council
2. 8 respective Faculties of the different disciplines, for example the Faculty of Public Health (FPH) Council and the Faculty of Occupational Medicine (FOM) Council
3. The British Medical Association (BMA) Council
4. 17 BMA Committees and Boards
5. The Local Medical Council (LMC)

In similar vein, we would also urge you to consider a fair and balanced Yes/No referendum of the veterinary nursing profession to similarly assess whether RVNs would like the reinstatement of voting for VN Council membership, or whether they are happy with an appointments only system and your further proposals outlined in the consultation.

Whilst you consider our thoughts on these key issues, we would appreciate it if the original document(s) at the missing link <https://www.rcvs.org.uk/document-library/rcvs-council-election-scheme-1967-as-amended-in-2006-temporary/> (or new historical/legal summary) could be emailed to us by return as PDFs.

We would also appreciate it if the broken link could please be repaired as soon as possible, and the professions informed by email that the document or documents are now available, along with PDFs of same.

We look forward to hearing back from you at the earliest on these important issues affecting the veterinary professions.

Yours sincerely

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Helen Macdonald RVN

Carla Finzel RVN

Heather Hodcroft RVN

Philippa Newby RVN

Lisa Jones RVN

Lisa Cooper BSc RVN

### **References**

1. Bruce Vivash Jones, Future Governance of the RCVS: democracy or oligarchy? Vet Record, Volume 194, 6, 15<sup>th</sup> March 2024  
<https://doi.org/10.1002/vetr.4078>