



**BRITISH  
VETERINARY  
UNION** in Unite



# **BVU response to the DEFRA consultation on reform of the Veterinary Surgeons Act 1966**

## **1. Executive summary**

1.1. The **British Veterinary Union in Unite (BVU)** welcomes the opportunity to respond to DEFRA's consultation on the reform of veterinary legislation.

1.2. The BVU believes that the UK Veterinary industry needs reform in the face of a crisis of soaring pet care costs for customers, unsafe working conditions and workloads that are far too high. For this reason, the BVU has long advocated for meaningful reform of veterinary regulation. The BVU are therefore pleased to see that several key issues raised by the union over many years are reflected within the consultation proposals.

1.3. In particular, the BVU welcomes the inclusion of:

- Mandatory regulation of veterinary practices and businesses
- Creation of an oversight body for the veterinary regulator
- Legal protection of the Veterinary Nurse title
- Enhanced protections for whistle-blowers within the profession
- The separation of the regulatory function from professional leadership

1.4. While the BVU broadly support the direction of the proposed reforms, the BVU also have significant concerns about several aspects of the proposals. In particular, the BVU are concerned about:

- The potential impact of limited licensure on disabled veterinary professionals.
- Provisions relating to health conditions within Fitness to Practise processes.
- The inclusion of indemnity insurance as a licensing requirement.
- Ensuring that mandatory practice regulation includes meaningful enforcement mechanisms particularly when inspection shows they are failing to meet other legal minimums such as health and safety, equalities and employment law.
- The need for regulatory standards to align with modern healthcare regulation frameworks such as those used by the Care Quality Commission (CQC) and include, as well as the standards set out in these proposals: safeguarding, consent, contextualised care, duty of candour, and safe staffing levels.

## Consultation questions

### 2. About the BVU

- 2.1. The British Veterinary Union in Unite (BVU) is a national professional branch of Unite the union, the largest trade union in the UK and Ireland.
- 2.2. The BVU is the only dedicated trade union for the Veterinary sector, representing workers across all grades and job titles within the sector. These include, but are not limited to, administrative workers, cleaning workers, managerial workers, receptionists, Registered Veterinary Nurses (RVNs), student Veterinary Nurses (SVNs), Veterinary Care Assistants (VCAs), Veterinary medicine students, Veterinary Surgeons and allied veterinary professionals working across a wide range of clinical, academic, research, and industry settings.
- 2.3. The BVU focuses on providing both professional and industrial support to our members and operates across all UK countries and the Republic of Ireland.
- 2.4. The BVU is happy for this submission to be published and publicly available.

### 3. Licence to practise questions

***L2PQ1. Veterinary acts can only be carried out by those who have an appropriate licence to undertake them (or have an exemption). A veterinary surgeon with a full licence to practise would be allowed to undertake all veterinary acts. Veterinary nurses and allied veterinary professionals would be able to undertake some veterinary acts, as determined by the regulator. Which of the following do you think should be considered as veterinary acts:***

- 3.1. The BVU supports the following being considered as veterinary acts:
- Diagnosis of diseases in, and injuries to, animals
  - Carrying out tests on animals for diagnostic purposes
  - Giving advice based upon a diagnosis
  - Signing of official certification
  - Medical treatment of animals; and
  - Performance of surgical operations on animals

***L2PQ2. To what extent do you agree or disagree with the following statement: Only individuals with a valid appropriate licence to practise (or those that have an exemption order to undertake specific acts) should be allowed to perform veterinary acts, as detailed in the chapter above?***

3.2. Strongly agree

***L2PQ3. Which, if any, penalties should be imposed on anyone who performs veterinary acts without a valid licence to practise those specific acts?***

***This includes, for instance, a veterinary nurse or allied veterinary professional carrying out acts which should only be carried out by a veterinary surgeon***

3.3. The BVU would support the proportionate use of any of the below penalties:

- Fines and financial penalties
- Revocation of licence
- Suspension of licence
- Legal actions that could result in criminal convictions - depending on the severity of the infringement
- Professional disqualification - preventing individuals from practising in the veterinary field in the future
- Reputation damage by publicly announcing the penalty faced by the individual

3.4. The BVU would stress that some of these should only be enforced through the criminal justice system and not the regulator. In particular where those carrying out the acts are not licenced professionals, and those penalties involving fines, financial penalties and criminal proceedings.

3.5. If the individual does not have an active registration there is no avenue for the regulator to impose sanctions on that individual and the regulator will have no process to investigate a non-registrant.

3.6. There may be recourse to report the individual to the criminal justice system, but a regulator should not be employing fines, financial penalties or legal action.

3.7. There should be a tariff of sanctions that after due process the regulator could decide upon ranging from no action, interim conditions or sanctions, suspension or removal. This would be similar to other regulators and the sanctions they can apply.

3.8. The consultation uses the term “license” throughout, rather than the more appropriate term “registration”. The BVU would support changing this, as we believe it would be sensible to adhere to the terminology and regulatory frameworks already in use by human healthcare regulators.

3.9. The BVU recommends that a registrant's education and validated experience will dictate their scope of practice. With recognisable qualifications added to denote the registrant's competency level.

**L2PQ4. Expansion of animal definition**

**How appropriate is the use of the Animal Welfare (Sentience) Act 2022 to define which species are covered under veterinary care?**

**The definition of animal in the Animal Welfare (Sentience) Act 2022 is 'animal' means—**

- a) any vertebrate other than homo sapiens,**
- b) any cephalopod mollusc, and**
- c) any decapod crustacean.**

3.10. Very appropriate

3.11. The BVU supports expanding the definition of veterinary practice to include sentient animals, in line with modern animal welfare legislation. The BVU agrees that all acts listed within the consultation would appropriately constitute veterinary acts.

**L2PQ4b. If you answered, "very inappropriate" or "somewhat inappropriate", please provide details of why you find it inappropriate for the definition of animals to be the same as the Animal Welfare (Sentience) Act 2022.**

3.12. N/A

**L2PQ5. The video you have seen shows the process for veterinary surgeons, veterinary nurses and allied veterinary professionals to gain a licence to practise. How confident are you that this ensures professionals are fully qualified, are proficient in English and have not committed serious crimes?**

3.13. Not at all confident

**L2PQ5b. If you answered, "not very confident" or "not at all confident", what, if anything, would make you more confident?**

3.14. The BVU has concerns that some aspects of this process are not the best way to deliver good regulation of veterinary professionals and may open the door to indirectly discriminatory practices.

- 3.15. The BVU broadly agrees with the introduction of a modernised licence to practise system. A licence to practice system will help drive up standards across the sector, regulating bad actions and making the sector safer for animals, pet owners and staff.
- 3.16. Again, the BVU believes this would be better served by using the terminology “registration to practice”, staying in line with human healthcare regulation.
- 3.17. Entry to the register should involve a process to ensure that the applicant, through proper scrutiny by the regulator, has the relevant recognisable qualifications and competencies.
- 3.18. The BVU does not support indemnity insurance being used as a requirement for issuing a licence to practise. Indemnity insurance is only necessary when a registrant is actively practising. Many individuals remain on the register while not currently working in clinical roles. Linking indemnity insurance to licensure could create unnecessary barriers to maintaining registration - for example, for women on maternity leave, or disabled individuals taking a career break.
- 3.19. In particular, the BVU strongly oppose any form of limited or conditional licensure. The BVU is particularly concerned about the proposal to impose blanket limited or conditional licensure on disabled professionals. Limited licensure risks creating a two-tier profession and will disproportionately disadvantage disabled professionals.
- 3.20. The only exception to this should be condition orders on a licence, for the protection of the public and animal welfare, while awaiting, or following, a full investigation of a concern. This is in line with human healthcare regulation.
- 3.21. Under current legislation and in human health registration, a disabled professional is trusted to practice within the range of their capabilities and competencies with reasonable adjustments provided by their employers on a case-by-case basis. Access to particular reasonable adjustments will vary by employer. The BVU believes that any professional should be judged by what they are capable of doing with the appropriate reasonable adjustments, rather than with the level of support, or lack of, provided by their current employer.

3.22. Furthermore, the suggestion that limited or conditional licensure could be expanded to species specific practice in the future, is not in line with Veterinary regulation and qualification in other countries. This proposal would lead to UK vets being professionally disadvantaged in the global labour market.

3.23. The BVU does support the use of temporary licences in limited circumstances, such as visiting professionals working with travelling shows or international equine competitions. These limited and clearly defined uses could provide flexibility without creating structural inequalities within the profession.

3.24. Lastly the BVU has concerns regarding the proposal for the automatic removal of licences following “serious” criminal offences. The BVU believes that such decisions should normally be assessed on a case-by-case basis, allowing proper consideration of context and proportionality. An exception may be appropriate for animal-related crimes, where automatic consequences may be justified due to the direct relevance to professional responsibilities.

***L2PQ6. Currently, registered veterinary nurses can only carry out veterinary tasks if they are delegated from a veterinary surgeon employed by the same business. Should registered veterinary nurses be able to carry out specific roles, such as district nursing, without direct delegation from a veterinary surgeon?***

3.25. Yes, should probably carry out

3.26. This clearly depends on the specific tasks they may be carrying out. Some tasks would be appropriate for Veterinary nurses (or other AVPs) to carry out without direct delegation, while others would not be appropriate.

3.27. The BVU knows that Veterinary nurses are capable of carrying out many more tasks and taking on many more responsibilities than the current legislation allows. However, as these tasks have previously not been within the scope of their role, there must be safeguards in place to ensure Veterinary nurses are given the appropriate training and education to support this and demonstrate competency. This is to safeguard Veterinary nurses as well as patients.

**L2PQ7. To what extent do you agree or disagree with the proposal to expand regulation to include allied professionals, for example, Equine Dental Technicians, Behaviourists, musculoskeletal professionals?**

3.28. Strongly agree

**L2PQ7b. What are your thoughts on expanding the regulation to include allied veterinary professionals?**

3.29. The BVU supports expanding the regulations. This should include providing a list of practitioners and what they are called. All individuals who engage with hands on care should be registrants as research has shown that there are better outcomes for the patient when the care is delivered by registrants.

3.30. The best approach is to work with the largest and existing groups first – i.e. Veterinary nurses and Veterinary Surgeons – and other professions can then be included as the regulations bed in, and once the regulator is in a position to ensure they have sufficient resources and administrative capacity to manage the increased workload effectively.

**L2PQ8. To what extent is it important, or not, for the professional titles of veterinary nurses and allied veterinary professionals be legally protected?**

*Legal protection of a title makes it a criminal offence for those not carrying out this job to use the title.*

3.31. Very important

3.32. The BVU believes that this is vital to ensure that only registrants are carrying out tasks that are deemed inappropriate for lay persons. This will increase clarity from members of the public, increase trust in the Veterinary professionals, and it will increase the quality of care provided to animals and their owners. This has been a long-term demand of the BVU and it is very welcome that it is in this legislation.

**L2PQ9. To what extent do you agree or disagree that farriers should be incorporated into the VSA with the allied veterinary professionals?**

3.33. Neither agree nor disagree

**L2PQ9b. If you answered, “neither agree nor disagree”, “tend to disagree”, or “strongly disagree”, please explain your answer**

3.34. The BVU support the inclusion of allied veterinary professions within the regulatory framework. However, this expansion must be implemented gradually to ensure the regulator has sufficient resources and administrative capacity to manage the increased workload effectively.

3.35. As farriers already have their own registration council, these professionals should be consulted separately on whether their registration is rolled into this legislation, and the new Veterinary regulatory body.

**L2PQ10. Do you think that equine barefoot trimmers should, or should not be regulated?**

*Currently equine barefoot trimmers (who trim horse’s hooves but do not shoe them) are not regulated in the UK.*

3.36. Yes, should definitely be regulated

**L2PQ11. Do you have any comments you wish to make on the Licence to Practise proposals?**

3.37. Unite is concerned by the framing of this process as a “licence” rather than “registration” as is used in human healthcare where the language of licencing was deliberately moved away from in order to refocus away from punitive process to one of support.

3.38. If the registrant is compromised, regulators are generally supportive and will work to a satisfactory conclusion that hopefully satisfies the registrant and their return to a state of fitness to practice. If the registrant is not fit despite support, then they may need to remove themselves from the register, which may have serious implications on their future employment.

3.39. The BVU strongly believes that any new regulations must embed an empathetic approach, and prevent professionals being punished due to bad practices from their employers.

## 4. Fitness to practise questions

***F2PQ1. Thinking of the process you have just read about and/or the video you have watched. To what extent do you agree, or disagree, that the proposed overall Fitness to Practise process is appropriate?***

4.1. Tend to agree

**F2PQ1b. Please provide reasons for your answer**

4.2. As above, the BVU has serious concerns around the treatment of disability and health conditions in these proposals. These are out of step with human healthcare regulations and potentially discriminatory.

***F2PQ2. Thinking about someone in the veterinary team who is found to have a current impairment. Which, if any, of the following sanctions should be considered at the tribunal stage?***

***A ‘current impairment’ refers to —***

- a) **Serious misconduct (going against the Code of Professional Conduct);**
- b) **professional performance being seriously below what is expected;**
- c) **a conviction for a criminal offence;**
- d) **a long-term physical or mental health condition (or disability);**
  - i. **where someone cannot work safely (for themselves/their patients) in the area they are working with reasonable adjustments in place, including due to substance abuse/alcoholism.**

4.3. The BVU has serious concerns about the framing of this question.

4.4. The inclusion of disability under the term “impairment” alongside serious professional misconduct is inappropriate and has the potential to lead to discriminatory implementation, including through lack of knowledge and understanding.

4.5. The regulator is not there as an employer but only to ensure the care and well-being of the animals by those registered to do so.

4.6. An employer is required to make reasonable adjustments for staff with disabilities, while the regulator makes sure that the registrant can fulfil their professional requirements to practice appropriately and offer solutions only

within their control. Which reasonable adjustments an employer agrees to are not within the control of either the regulator or the registrant, and therefore there must be safeguards in place to ensure disabled registrants are not disadvantaged by the regulator assessing on the basis of the actions of the registrant's employer.

- 4.7. Under current legislation and in human health registration, a disabled professional is trusted to practice within the range of their capabilities and competencies with reasonable adjustments provided by their employers. Access to particular reasonable adjustments will vary by employer. The BVU believes that any professional should be judged by what they are capable of doing with the appropriate reasonable adjustments, rather than with the level of support, or lack of, provided by their current employer.
- 4.8. The regulator itself must ensure that its own fitness to practice processes, and its processes for entry to the register allow for reasonable adjustments, where these are in line with ensuring professional requirements are met. This should include ensuring educational establishments are empowered to provide reasonable adjustments during written, oral and practical examinations.
- 4.9. The legislation must explicitly ensure that reasonable adjustments are provided to enable disabled students and professionals to complete day one competencies.
- 4.10. Currently educational institutions and the Royal College of Veterinary Surgeons (RCVS) do not always take accountability for ensuring reasonable adjustments, leaving disabled students without adequate support and in some cases excluding them from the profession.
- 4.11. Embedding the requirement for reasonable adjustments within legislation would ensure clear accountability and prevent disabled professionals from being unfairly restricted and discriminated against in their ability to practise.

**F2PQ3. If a veterinary professional had their licence to practise removed by the regulator, how long do you think the minimum period should be before allowing them to apply for their licence to be restored, if at all.**

- 4.12. The BVU believes that this is an unhelpful question and is not possible to answer. It is dependent on the reason for removal from the register, and also to functions and legislation that are not in place yet.
- 4.13. Until the regulator and its functions as well as this legislation is at an advanced stage this cannot be determined. There needs to be more work on how this will be implemented, managed and how the individual can return after the set time frame is completed.
- 4.14. Without further detail, the BVU would support reapplication after one year.

**F2PQ4. In a situation where a veterinary professional is alleged to have a current impairment of their competency to practise (including for health reasons such as disability, substance abuse/addiction, chronic illness), what, if any, information should the regulator be allowed to access?**

- 4.15. The information that the individual is happy to have shared.
- 4.16. It is a registrant's information to share and if a response is unclear a regulator will seek permission to approach the medical support in place for the registrant who can refuse. To reinforce that the regulator is not on a fishing trip their enquiry needs to be specific and relevant.
- 4.17. The BVU does not support the regulator having automatic access to registrants' medical or other GDPR-protected information without consent.
- 4.18. Registrants should retain the right to refuse disclosure of such information. While they should be informed that refusing consent may affect the outcome of a Fitness to Practise hearing, their right to medical privacy must be preserved.
- 4.19. The consultation suggests that registrants may be required to inform employers of disabilities or long-term health conditions. The BVU is concerned that such requirements may conflict with existing rights under UK equality and

employment legislation. Any new regulatory requirements must be carefully aligned with existing legal protections.

**F2PQ5. Do you have any further comments you wish to make on the fitness to practice proposals?**

- 4.20. The legislative reform needs to ensure a proper Fitness to Practice process is put in place, following the accepted and tested principles for Regulators and their Registrants already in existence for human healthcare professionals in the UK.
- 4.21. Independent scrutiny of the FTP process and other regulatory functions is all essential. This should be by the oversight body mentioned within the consultation, and the BVU supports the Professional Standards Authority being this body.
- 4.22. The BVU would strongly oppose any financial penalty imposed on the registrant going through fitness to practice proceedings under any circumstances including the example mentioned in the consultation document - “Failure to adhere to agreements made at the case management conference, or to provide the evidence requested, could result in costs being awarded to the other party to cover the costs of last-minute changes.”

## **5. Veterinary and animal healthcare business questions**

**BusQ1. Which, if any, of the following Veterinary/Animal Healthcare businesses should be regulated under proposed new legislation?**

- 5.1. The BVU supports the following businesses being regulated under the new legislation:
- All veterinary/Animal Healthcare Businesses
  - Veterinary/Animal Healthcare Businesses with physical location
  - Veterinary/Animal Healthcare Businesses with an online presence only
  - Veterinary/Animal Healthcare Businesses run by licensed Veterinary Surgeons
  - Veterinary/Animal Healthcare businesses run by licensed Veterinary Nurses

- Veterinary/Animal Healthcare businesses run by regulated allied veterinary professionals

5.2. The BVU strongly supports the mandatory regulation of veterinary and animal healthcare businesses.

5.3. The BVU believes that any new regulatory framework should not simply replicate or evolve the current Practice Standards Scheme (PSS). The PSS has significant limitations and has not delivered meaningful regulatory or clinical oversight. The legislation must instead establish a genuinely robust regulatory system.

5.4. The BVU further believes that the system should include limited exemptions for organisations that do not provide services directly to the public, such as:

- Personal service companies (PSCs)
- Other business-to-business operations

5.5. There is a case for staffing agencies to be regulated in the same way as medical locum agencies for human healthcare<sup>1</sup>.

5.6. This is in line with human healthcare business regulation such as the CQC and Care Inspectorate of Scotland.

***BusQ2. Thinking about a scenario of a veterinary/animal healthcare business that has multiple premises/locations (i.e. different branches) across a number of different geographic locations.***

***Which of the options below should a named responsible person be responsible for?***

5.7. The BVU believes that this must apply to: **Each** premises/location **AND** also an additional person for the overall central business if part of **ANY** veterinary group.

5.8. It is crucial that this is not just for **large** veterinary groups as stated within the question.

***BusQ3. Which, if any, of the following should be assessed by the regulator?***

5.9. The BVU supports the following businesses being regulated under the new legislation:

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<sup>1</sup> <https://www.england.nhs.uk/professional-standards/medical-revalidation/emp-bod-hr/locum/>

- The health and safety policies
- Animal welfare policies
- Staff welfare policies
- Qualifications of the regulated professional
- Training of the regulated professional
- Record keeping to professional and legal requirements
- Management, storage and usage of medicines
- Leadership of the practice
- Working environment including equipment and facilities
- Treatment of consumer/customers
- Visible information about prices
- Participation with an external mediation/adjudication service

5.10. It is important that the first three of these points are altered to be:

- Safe premises for patients, pet owners and workers, and adherence to Health and Safety Legislation
- Protection of animal welfare and adherence to Animal Welfare Legislation
- Adherence to Employment Legislation and active pursual of staff welfare improvements.

5.11. It is important that any regulation system is outcome focused and not a tick box exercise – therefore the assessment of policies is fine but **there must also be an assessment of the outcome of the policies**. Having a policy is not enough.

5.12. The BVU has previously outlined a set of “Standards of Care” that should form the basis of inspection frameworks. These include the standards listed above the consultation question, as well as:

- **Contextualised care** – the provision of care based on the context of the pet and owner, with appropriate levels of choice in terms of treatment options.
- **Informed consent from pet owners** – ensuring that informed consent is obtained for all treatments provided.
- **Safe clinical care** – ensuring no unnecessary harm is caused.
- **Safeguarding from abuse** – for patients and pet owners.
- **Safe and appropriate staffing levels** – ensuring appropriate staff to patient ratios, and staffing with suitably qualified, competent and experienced staff.
- **Duty of candour** – the practice or business must be open and transparent with pet owners about their pets care and treatment.
- **Effective governance systems.**

- 5.13. These standards align closely with those used by the Care Quality Commission (CQC) within human healthcare regulation.
- 5.14. In addition, the BVU would also like to see **clear penalties to businesses and premises where they are failing to meet legal standards set out in other legislation** – such as health and safety law, employment law and equalities law - which are all likely to impact patient care, client experience and accessibility of care.

***BusQ4. A veterinary/animal healthcare business would need to have a licence from the regulator before they open a premises. Which, if any, of the following do you think the premises must have in place before the licence is issued?***

Please select all that apply

- Declaration from the business that it meets the requirements of a licence
  - Named responsible person at the premises
  - Named responsible person at business level (if the premises is part of a larger group)
  - Inspection by the regulator of the premises (or documentation for those without a physical location)
  - Inspection of premises based on risk.
  
  - Something else (Please write in): vicarious and professional liability insurance
- 5.15. The BVU is calling for mandatory practice regulation, similar to the Care Quality Commission (CQC) and Care Inspectorate of Scotland (CIS) in human healthcare – we believe this system is understood by the public and would give rise to greater confidence from pet owners.
- 5.16. The BVU believes that there must be inspection of all new businesses, with periodic inspections and the facility for further inspection for those considered a risk. This would ensure accountability for veterinary businesses where company culture, policy or practice affects decision making, rather than frontline veterinary workers being held accountable for decisions outside their control.

**BusQ5. If the regulator is concerned about a veterinary/animal healthcare business, which if any of the following situations do you think the regulator should have powers of entry to inspect the practice?**

- 5.17. The BVU supports the following powers of entry to inspect the practice:
- Powers of entry for routine inspections for business/practice premises
  - Powers of entry for spot inspections for business/practice premises
  - Powers of entry for risk-based spot inspections for business/practice premises
  - Warranted powers of entry (from the police) for business/practice premises
  - Powers of entry for routine inspections for private dwellings regarding mobile/remote businesses (where the paperwork is kept in their private dwellings)
  - Warranted powers of entry (from the police) for private dwellings
- 5.18. If the intention is to have a single regulator to oversee both professionals and practice environments, then there must be clearly ring-fenced resources for each section.
- 5.19. Regulation should not place an excessive cost on professionals as this may disincentivise entrance into veterinary professions and act as a tax on jobs.
- 5.20. The BVU believes that employers should pay for the costs of professional regulation as part of their terms and conditions of employment.

**BusQ6. Which, if any, of the following sanctions and actions do you think the regulator should impose for non-compliance of the veterinary/animal healthcare business requirements?**

- 5.21. The BVU supports the following:
- Charge a business owner with a criminal offence if the business is operating without a licence.
  - Provide guidance and advice on improvements
  - Impose fines based upon the non-compliances and how critical they are.
  - Issue an “improvement notice” of work that must take place with a timeframe set by the regulator based on severity and risk
  - Suspend the practice licence
  - Suspend the business licence (ie. all premises within the business).

- Issue an “immediate stop notice” for the premises to stop work on specific activities
  - Permanent removal of the licence
- 5.22. Where serious risks are identified, the regulator should have the authority to issue immediate stop notices. Importantly, this risk assessment must include risks to workers, not only risks to animal welfare or the public.
- 5.23. The BVU also strongly supports public transparency around licensing status. Licences should be publicly displayed on the regulator’s website and within the premises itself.
- 5.24. The displayed information should include:
- Date the licence was granted
  - Any conditions attached to the licence
  - Improvement notices or regulatory failings
  - Date of next renewal or inspection
- 5.25. This information should be clearly visible to the public in a format similar to ratings displays used following CQC inspections.

***BusQ7. Do you have any comments you wish to make about the proposed regulation of veterinary/animal healthcare businesses?***

- 5.26. The BVU strongly supports adding the veterinary regulator to the Public Interest Disclosure Act<sup>2</sup>, ensuring that veterinary professionals are protected from detrimental treatment or dismissal when raising concerns with the regulator. This is something the BVU has raised previously as a concern that Veterinary professionals are, as yet, not subject to the same whistleblowing protections as their human healthcare professional counterparts.
- 5.27. The system must also allow individuals to submit complaints about regulatory breaches anonymously and be in line with best practice whistleblowing protections.

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<sup>2</sup> <https://www.legislation.gov.uk/ukpga/1998/23/contents>

## 6. Governance questions

**GovQ1. Which of the two illustrative options do you believe would most effectively serve the veterinary sector in the future?**

- 6.1. The BVU supports **option 2 - Splitting professional leadership functions from the regulator**: *This option would mean retaining the regulator to complete all the statutory requirements set out in this consultation, with the option for professions to set up an organisation/organisations to complete professional leadership functions.*
- 6.2. The BVU strongly supports the separation of the regulatory body from the professional leadership body. The BVU have supported this principle since the formation of the union and have publicly advocated for it since 2021.
- 6.3. The BVU survey of members conducted in 2024 showed that 70% of our members were in favour of splitting the professional leadership functions from the regulator.
- 6.4. The current structure - where a Royal College acts as both regulator and professional body – is anomalous to this industry alone and creates confusion among both professionals and the public regarding the role of the regulator.
- 6.5. The BVU does not believe that the current Royal Charter structure has been beneficial to the development of modern veterinary regulation. In practice, the partial reforms permitted under the charter have arguably delayed more comprehensive legislative reform that would otherwise have occurred out of necessity.
- 6.6. Confidence in the current regulatory framework among both the public and professionals is low. Establishing a new regulatory body would provide an opportunity to build a modern, transparent, and trusted regulatory system from the ground up.

**GovQ2a. What, if any, benefits do you believe maintaining a single body, including regulator and professional leadership factions, would bring to the veterinary profession?**

- 6.7. No benefits - The BVU does not believe there are any benefits to keeping a single regulatory body.

- 6.8. The BVU strongly supports the separation of the regulatory body from the professional leadership body (i.e. Royal College).
- 6.9. A model to consider is that of pharmacy, where there is a single regulator covering environments and professionals, as well as a separate professional leadership body.
- 6.10. If this model were followed the BVU is clear that funding must be ring-fenced and separated between the environment/business regulations and professionals.

***GovQ2b What, if any, benefits do you believe a proposed Split Model with a separate new professional leadership body would bring to the veterinary profession?***

- 6.11. The BVU believes that separating the regulator and the professional leadership body would provide several important benefits:
- Clearly defined roles for the regulator and professional leadership factions as an independent body/bodies
  - Ability for professionals to decide what (if anything) they want from a professional leadership body
  - Improved flexibility for professional leadership body activities that are not constrained by being tied to a regulator
  - Not having the potential for those in the professional leadership body to have influence on the regulator and vice versa
  - Modern technology means communication between two bodies is not really affected
  - Keeping organisations lean and streamlined
  
  - Other benefits: Ensures independence, a regulator is there to protect animals and to ensure a register is kept of registrants fit to practice
- 6.12. The BVU has consistently supported the separation of the regulatory function from professional leadership, and the BVU have publicly called for this reform since 2021.
- 6.13. Separating the regulator and the professional leadership body would ensure independence, a regulator is there to protect animals and to ensure a register is kept of registrants fit to practice.

6.14. This change has strong professional backing, which was demonstrated in 2024 when a ballot of BVU members voted 70% in supported of this separation.

6.15. The BVU emphasises that we do not believe the professional leadership function is unimportant. On the contrary, professional bodies can play a valuable role in professional development, advocacy, and leadership. That said, tying such a body directly to the regulator restricts its ability to fulfil these roles effectively.

***GovQ3 Do you believe there are any risks with a single body having both regulator and professional leadership functions?***

6.16. Yes

***Skip the question and Q3b if you do not believe there are any risks.***

*Please write in the box below*

6.17. Yes, a single body would come with signification risks. This system would be characterised by confusion, lack of independence, and lack of clarity around roles.

6.18. In addition, the BVU believe that with a single body for regulation and professional leadership, a lack of public confidence and trust would persist.

6.19. The individual professionals regulated by such a body would have a lack of trust and clarity regarding the professional leadership functions (as is the present case) because the organisational remit lacks clarity. This is evidenced by the exceeding low turnout to the annual RCVS Council elections, which the BVU believes is due to lack of clarity of the Council members roles, and lack of trust in the organisation.

6.20. The current regulator (RCVS) is struggling with its current role and workload, and this experience is central to the BVUs belief that it must be split in two. This is evidenced by ill-thought-out reforms in recent years (for example, the “Under Care” guidance), amongst other issues.

6.21. Splitting the RCVS into a regulatory body and a professional body would bring it in-line with custom and practice in human healthcare.

**GovQ3b How could any of the risks you have identified be mitigated?**

6.22. As stated above the BVU strongly believes that this can only be successfully done by splitting the regulator into two bodies with clearly stated and independent roles, with ring-fenced funding.

6.23. This will mean that the regulator is there to protect animals and to ensure a register is kept of registrants fit to practice, while the professional body can then advocate for the profession and improved standards.

**GovQ4. Do you believe there are any risks with the proposed Split Model with a separate new professional leadership body?**

6.24. The BVU does not believe that there are any substantial risks with the proposed split model as this is the norm with human healthcare regulation in the UK.

**GovQ5. To what extent are each of the following important, or not, as primary objectives of the regulator to ensure effective Regulation?**

**a. Protecting animal health and welfare**

6.25. Very important

**b. Promoting public confidence**

6.26. Very important

**c. Maintaining professional standards**

6.27. Very important

**d. Protecting consumers**

6.28. Very important

**e. Ensuring fair competition**

6.29. Very important - The BVU believes that while this is very important, it is not important for the veterinary regulator for registrants, but for a competition authority. It is important that this legislative reform is not confused with the recent and ongoing CMA investigation, which has sadly been seen already in press coverage and statements from Members of Parliament.

**GovQ6. To what extent is a professional leadership body important?**

- 6.30. Fairly important - The BVU emphasises that we do believe that the professional leadership function is important, it just needs to be separate and independent from the regulator.
- 6.31. Professional bodies can play a valuable role in professional development, advocacy, and leadership. Tying such a body directly to the regulator restricts its ability to fulfil these roles effectively and reduces confidence of professionals in the sector.

**GovQ7. Which, if any of the following, do you consider to be the primary functions of a professional leadership body?**

- 6.32. The BVU believes that the following activities should be primary functions:
- Professional leadership, driving their profession to be the best it can be
  - Educating the public on care for animals and how to interact with the profession

**GovQ8. Which of the following, if any, should be prioritised when appointing individuals to Boards and Committees of the regulator?**

- 6.33. The BVU believes that the following are the priority:
- Area(s) of expertise (for example, public health, equine, small animal)
  - Professional background (Veterinary Surgeon, Registered Veterinary Nurse, Allied Veterinary Professional)
  - Lay parity (this means there would be equal numbers of veterinary professionals and those without veterinary qualifications on the Board)
  - Spectrum of skills
  - Other: experience of working in the sector (not just professional background)
- 6.34. The BVU believes that the Boards and Committees need to reflect registrants and their fields of practice, lay membership needs to have relevant experience of regulation/governance.
- 6.35. There should be a minimum of two Veterinary Surgeons, and 2 Veterinary nurses, on any board to ensure appropriate clinician input – this would leave two

further professional seats that could be held by additional Veterinary Surgeons, Veterinary nurses, or by Allied Veterinary Professionals.

6.36. The BVU believes that the oversight body should be able to raise concerns over suitability of candidates as well as the process followed. This should include clear definitions of what constitutes a conflict of interest. Ownership of a veterinary business or sitting at a high level or on the board of an LVG must be considered a conflict of interest.

6.37. The BVU supports the Veterinary regulator being overseen by the Professional Standards Authority, which oversees other human healthcare regulators. This would encourage Veterinary regulation to keep in step with human healthcare regulation.

**GovQ9. To what extent is independent oversight of the regulator important or not in relation to the following aspects?**

**a. Appointment processes for the Board**

6.38. Very important

**b. Fitness to practise cases**

6.39. Very important

**c. Overall performance**

6.40. Very important

**GovQ10. The regulator is responsible for setting fees for veterinary professionals' licences. Which, if any, of the following aspects related to fee setting for veterinary professionals' licences should the regulator consult on?**

- 6.41. The BVU agree that the regulator should have to consult on the following:
- Fee levels: the proposed fee amounts to ensure they are fair and justified
  - Economic impact: to gather feedback on how the proposed fees might affect veterinary businesses financially
  - Service feedback: to ask for opinions on the quality and scope of the services that the fees will support
  - Cost allocations and priorities: to engage veterinary professionals on how funds from fees should be used for different regulatory activities

- Regulatory changes and requirements: to update and consult on any legal or procedural changes impacting fees and licensing
- Stakeholder needs and expectations: to understand the needs and expectations of veterinary professionals regarding regulatory practices

6.42. Registrants should have the option to pay fees in instalments (such as quarterly) and this should be set out in primary legislation so it cannot be rescinded by the regulator at a later date.

Not allowing fee payment in instalments can be a barrier to certain group from maintaining registration, for example women on maternity leave who are only paid statutory maternity pay, or disabled workers who have a reduced income by reduced working capacity. Therefore, allowing fee payment in instalments ensuring these groups are not indirectly disadvantaged.

6.43. The BVU campaigned successfully for fee payment in instalments during the Covid pandemic, and we are disappointed that this was not maintained subsequently, to the detriment of many individuals.

**GovQ11. How important, or not, is it for veterinary professionals to have post-nominals (as well as a licensing number from the regulator)?**

6.44. Very important

6.45. BVU members have not expressed a particular concern about maintaining MRCVS post-nominals, but do support having a defining post-nominal for public clarity, such as RVS/ RVN etc

6.46. If individuals wish to remain MRCVS post-nominals, they can take action to continue that organisation separately, which they would of course have the choice to do, similar to other Royal Colleges in human healthcare.

**GovQ12. Which approach to post-nominals do you prefer for veterinary professionals?**

6.47. Profession-specific post-nominals (for example, RVS (Registered Veterinary Surgeon), RVN (Registered Veterinary Nurse), RAVP (Registered Allied Veterinary Professional)).

**GovQ13. Which part of His Majesty's Courts and Tribunals Service should hear statutory appeals: a regulatory tribunal (such as the First-tier Tribunal) or the High Court?**

6.48. The BVU support tribunals to be heard by a regulatory tribunal rather than high court and be assessed fully not just on points of law.

**GovQ14. Should appeals be on a full merits basis (decided on the facts and merits of the entire case, not just on a specific point of law), on points of law only, or a combination?**

6.49. Full merits basis

**GovQ15. Do you have any comments you wish to make about governance?**

6.50. The regulator should have a statutory obligation to consult not only with the professional leadership body but also with any trade union that has a recognition agreement in the sector

## 7. Overall impact questions

**OIQ1. Do you agree or disagree with the proposed reform of the Veterinary Surgeons Act (1966), and why?**

7.1. Agree

7.2. This question is very misleading – the overwhelming majority will agree because they understand that Veterinary legislative reform is needed, and may even broadly agree with the reforms. However, this simplistic question doesn't mean they agree with everything in the proposals, or that there isn't detail in the proposals that could lead to unintended consequences.

**OIQ2. Do you have any additional points to raise regarding the proposals that you have not yet had the chance to express in this consultation?**

7.3. DEFRA must engage with the only trade union in the sector to gain valuable insights about how to ensure this legislation works in practice. The BVU is open and welcome to conversation, discussion and engagement, and finds it concerning that trade unions have not been included in the work leading up to the publication of this consultation.

**OIQ3. The Equality Act 2010 protects people against discrimination based on nine protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.**

**Do you think that the proposed reform of the Veterinary Surgeons Act (1966) will discriminate against or benefit those with protected characteristics?**

7.4. Yes, as set out above the BVU is concerned about the impact these reforms will have on disabled people and others with protected characteristics (such as pregnancy).

## **8. Conclusion**

8.1. The BVU strongly supports the overall goal of modernising Veterinary legislation and welcomes many of the proposals outlined within this consultation.

8.2. However, several aspects require further consideration to avoid unintended consequences, particularly in relation to disability, Fitness to Practise processes, and the implementation of practice regulation.

8.3. As the only trade union representing veterinary professionals in the United Kingdom, the BVU provides a unique and essential perspective on how regulation affects the veterinary workforce in practice.

8.4. We therefore urge DEFRA to engage directly with the BVU throughout the legislative development process to ensure the resulting framework supports both high standards of animal care and fair, workable conditions for the professionals delivering that care.

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The British Veterinary Union BVU is a national professional branch of Unite the Union, the largest trade union in the UK and Ireland, and sits within Unite's health sector.

