POLICY FOR AUTHORISATION OF OFFICIAL VETERINARIANS (OVs) IN GREAT BRITAIN

Introduction

1. This Policy for Authorisation of Official Veterinarians (OVs) replaces the Memorandum of Conditions of Appointment of Local Veterinary Inspectors by the Minister of Agriculture, Fisheries and Food (August 1994 as revised in April 2014) with respect to the authorisation of OVs to act on behalf of Ministers with effect from 13 July 2015. This document sets out the working relationship between the Agency[1] which acts on behalf of the relevant Ministers in England, Scotland and Wales, and Veterinary Surgeons who seek to carry out tasks on behalf of those Ministers and who are not employees of government.

2. In order to implement official controls which require Veterinary Inspector (VI) powers such as anthrax investigations, OVs may be asked to act under official direction from an Agency VI. Some OVs may be appointed by Ministers under the Animal Health Act 1981 to act as a VI for the duration of a disease outbreak.

3. The standards for authorisation of those who carry out official controls or official tasks which implement EU legislation for animal health and animal welfare are laid down in Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules ("OFFC Regulation"). This Regulation is directly applicable law in Great Britain[2].

4. The OIE (World Organisation for Animal Health) sets similar standards for authorisation of OVs for the certification of animals and animal products for international trade. This is detailed in Chapter 3 of the OIE's Terrestrial Animal Health Code concerning the quality of veterinary services.

5. In certain domestic legislation, notably dealing with tuberculin skin testing, the term used in law is 'approved' veterinary surgeon rather than 'authorised' official veterinarian. In this document 'authorised' includes 'approved' whenever applicable.

Authorisation

6. Official Controls Qualifications (Veterinary) (OCQ(V)) are accredited qualifications achieved following training and assessment by a government approved supplier.

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[1] The Animal and Plant Health Agency

[2] A replacement OFFC Regulation is likely to be published by the EU in 2015 but with a likely delay of several years before it replaces Regulation (EC) No 882/2004.

7. The Agency will authorise as an OV any person who:

    a. Has one or more OCQ(V)s demonstrating their competence to undertake relevant OV activities. This may be a single free-standing OCQ(V) such as that for 'Companion Animals' or it may require a combination of OCQ(V)s to be taken in a specified order; and

    b. is a Member or Fellow of the Royal College of Veterinary Surgeons (MRCVS); and

    c. is regarded by the Agency as suitable for carrying out tasks on behalf of Ministers, taking into account any previous performance as an OV or convictions for offences under animal health or welfare legislation.

8. In certain cases, notably tuberculin testing, approval under the relevant Tuberculosis Order in England, Scotland or Wales will be conditional on completing a practical assessment with satisfactory results within a specified period of time. Pending such practical assessment the veterinary surgeon will be regarded as a conditionally approved OV, who must work under the direction of an OV with the relevant OCQ(V) who has already been approved under the relevant Tuberculosis Order.

9. The Agency will only supply critical materials such as OV stamps, tuberculin, PETS passports and export certificates to OVs who are authorised for the relevant task.

Performance of tasks

10. In accordance with requirements published in the OV instructions, OVs must maintain a high standard of hygiene and biosecurity when visiting farms, markets and other premises on behalf of Ministers, including the wearing of suitable protective clothing and the use of approved disinfectant.

11. OVs should consider themselves the representative of the relevant Minister when carrying out their official tasks and should endeavour to explain government policy if questioned by a member of the public, taking into account variations between different administrations in Great Britain.

12. All OVs will have access to on-line OV instructions. These reflect the requirements of legislation and government policy. Additions and amendments are issued periodically and it is essential that all OVs refer to the current instructions. It is an individual OV's responsibility to be up to date with all aspects of the work relevant to individual official controls authorisations. OVs are expected to monitor the email address they have registered with the training contractor who administers training on behalf of the Agency, in order to maintain awareness of updates and changes to aspects of the work relevant to individual controls.

13. OVs will be held personally responsible for all official tasks carried out by them and must personally sign all certificates and notices required and relating to those duties. OVs are responsible for the information security of those documents including personal and commercially sensitive data which they may contain.

14. OVs must abide by the standards in The RCVS Code of Professional Conduct which sets out veterinary surgeons' professional responsibilities. They must pay particular attention to the guidance on certification which underpins OV activities and reflects EU legislative requirements.

15. OVs must ensure that all their official activities are covered by professional indemnity insurance or equivalent arrangements.

Suspension of authorisation

16. The authorisation of an OV will be suspended if the OV:

- Is no longer an MRCVS for whatever reason (including suspension or removal from the RCVS register for disciplinary reasons or for failure to pay fees); or
- No longer holds a valid certificate with respect to that OCQ(V)[3].

17. The Agency will terminate the conditional approval (see para 8 above) of any OV who was required to complete a practical assessment with satisfactory results within a specified time period and has not done so.

18. The authorisation of an OV may be voluntarily suspended by the OV at any time and with one week's notice given in writing to the Agency.

19. The Agency will monitor OV performance as it sees fit through a range of auditing activities including, but not limited to:

    a. Quality assurance of government funded OV work in accordance with applicable contracts;
    b. Analysis of data such as TB test reports and copies of export certificates; and
    c. Investigation of complaints, in particular from recipients of tasks undertaken by an OV.

20. If there is evidence to suggest that an OV is not competent or is not performing their tasks to the required standard then a person who is a permanent employee of the Agency and an MRCVS will be appointed to carry out and complete an investigation without unreasonable due delay. If, in the Agency's opinion, an OV infringes or fails to comply with OV instructions, performs official tasks unsatisfactorily or is guilty of conduct which makes suspension desirable in the Agency's or the public interest,

[3] Note: There is no period of grace for expiry of OCQ(V)s so they should be revalidated in good time.

the OV may be suspended pending a decision under paragraphs 26-33 below.

21. The Agency will not suspend an OV on the basis of a report from a third party without first carrying out an investigation unless the report is received from a statutory body and is of a serious nature.

22. An OV who is suspended shall not hold him/herself out as being an OV and will return to the Agency the material provided under paragraph 9.

Investigation

23. If there is evidence to suggest that an OV is not competent or is not performing their tasks to the required standard then a permanent employee of the Agency who is an MRCVS will be appointed to carry out and complete an investigation without unreasonable delay. The OV may be accompanied or represented by a suitable person at any point in an investigation process at their own expense. If the OV is to be accompanied at any meeting then the organiser of the meeting must be informed at least 24 hours before the meeting. The Agency will treat all reports and other documents as confidential except that they may be shared with RCVS and any other statutory body with a legitimate interest.

24. The OV must co-operate with any reasonable request to assist the investigation, including the production of documents or attendance at an interview. Failure to comply will be considered as grounds for suspension of authorisation. The investigator will interview witnesses as they see fit and will consider any suggestions made by the OV as who should be interviewed.

25. The OV will be given a draft of the investigator's report and invited to correct any factual errors or to make any relevant comments. The OV will have 14 calendar days to do this and will be expected to respond by email. The Agency may grant extra time to the OV to review the report if there is reasonable justification.

Decisions of the review panel

26. The investigator's report will then be referred to a review panel that will normally comprise at least two MsRCVS permanently employed by the Agency at a suitable level of seniority. The investigator will not be a member of the review panel.

27. The OV will be given at least five working days notice of the date of a meeting of the review panel. The OV will be invited to make representations and given the opportunity to present any relevant mitigating factors. The OV may do this orally at a meeting or in writing before the meeting.

28. In cases where there is evidence of intentional non-compliance with instructions or with the standards in this policy or of professional misconduct the Agency's investigator may request the review panel to either suspend the OV's authorisation before the investigation is complete, or require the OV to be under the direct supervision of a named supervisor until the review panel has come to its decision. In such cases the investigation and review will be conducted without any avoidable delay on the part of the Agency.

29. The review panel may decide on any one or more of the following outcomes in proportion to their findings:

    i. No further action required;
    ii. Reinstatement of authorisation if suspended;
    iii. Written advice given to the OV;
    iv. Suspension of authorisation with respect to one or more OCQ(V)s pending retraining at the OV's expense;
    v. Removal of authorisation for a maximum period of five years. An OV may reapply for reinstatement during the period of suspension at intervals of no less than twelve months;
    vi. Referral to the RCVS where there are grounds for concerns as to professional conduct;
    vii. Additional conditions such as working under the direction of a named OV for a specified period of time;
    viii. Invalidation of a test, export certificate or other relevant output where the review panel is sufficiently concerned that the OV has not acted appropriately in performing the specific task;
    ix. Referral to a local authority or to the police for investigation if there is evidence that an offence may have been committed.
    x. Any other action that the Agency considers necessary.

30. In determining the outcome of the investigation the review panel will consider previous training, performance and conduct as well as the facts of the specific case. Professional misconduct, intentional or repeated non-compliance with OV procedures would justify a long period of suspension of authorisation. Retraining would be offered for a first offence if there is a reasonable prospect that the OV's competence or diligence would improve.

31. If the review panel finds that it is necessary to suspend the authorisation of an OV and there has been a similar incident within the previous five years then the OV's authorisation will normally be suspended for five years from the date of the decision. If the OV wishes to apply for a shorter period of suspension on the basis of mitigating factors then the review panel will consult relevant Chief Veterinary Officers before taking such a decision.

32. The review panel will normally make a decision within five working days of the meeting and immediately communicate this in writing. The findings and decision will be reported to the OV in a letter sent to their personal e-mail address.

33. Any appeal against a decision of the review panel must be addressed to the Agency Veterinary Director and received within 28 days of the date of the written communication detailing the findings and the outcome. The appeal must be in writing setting out the grounds of appeal. Following consideration of the written grounds the Veterinary Director may within 14 days decide to allow the appeal or to appoint an appeals panel comprising a suitable Agency MRCVS who has not previously been involved in the case together with an independent person who is not an Agency employee. If the OV has been suspended then this will continue during the 28 day period allowed for lodging an appeal and while the appeal is being considered. The decision of the appeal panel is final.

Restoration of Authorisation

34. If authorisation of an OV has been lost due to the expiry of an OCQ(V) which has not been revalidated on time then full retraining will be required.

35. If authorisation was suspended during an investigation and the outcome of the investigation was favourable then authorisation will be restored to the extent that their OCQ(V)(s) are still valid.

36. If authorisation was lost due to loss of membership of the RCVS and RCVS membership has been restored then the case will be presented to a review panel to decide to what extent and under what conditions OV authorisation should be restored.

Date[4]: 6th July 2015

[4] [Later revisions should also be dated]