



VCNZ Update

VETERINARY COUNCIL
OF NEW ZEALAND
Te Kaunihera Rata Kararehe o Aotearoa

VCNZ notifications and complaints process

by Helen Beban, Professional Adviser, Veterinary Council of New Zealand

The Veterinary Council of New Zealand (VCNZ) is established under the Veterinarians Act 2005. Its primary purpose is to protect the public interest by ensuring veterinarians are fit and competent to practise. The Act provides VCNZ with several mechanisms to achieve this.

These mechanisms include:

- setting and monitoring the standards veterinarians must meet
- promoting high standards of veterinary education and conduct
- reviewing and acting, where necessary, in circumstances where concerns about a veterinarian's performance, professional conduct or health have been raised.

VCNZ has jurisdiction only over veterinarians.

Before the implementation of the Veterinarians Act in 2006, the only way VCNZ could deal with performance concerns was through the formal complaints and disciplinary processes. Considering that protection of the public interest is best achieved by focusing on causes of adverse events and learning from mistakes – rather than seeking to “name, blame and shame” individual practitioners through disciplinary proceedings – the council sought and gained a more appropriate pathway for dealing with such concerns by way of statutory competence provisions.

The competence processes are not disciplinary processes. They are designed to be evaluative, educational and rehabilitative.

Unfortunately, the 2005 Act did not provide any discretion for VCNZ to decide that written complaints received do not meet the threshold for referral to a complaints assessment committee (CAC) or would be better addressed through its competence or health processes.

Section 38(3) of the Act provides that “as soon as practicable after receiving a (written) complaint the Council must refer it to a complaints assessment committee and the committee must investigate the complaint under section 40”. So in circumstances where the notifier wants the

issues they have raised to be considered as a formal complaint, their notification must be referred to a CAC.

However, other notifications are now addressed through referral to a “triage” team, the Preliminary Assessment Committee (PAC). This comprises three veterinarians (one of whom is a VCNZ member) and one lay member. The PAC has the authority to act on behalf of the council in:

- considering issues raised about a veterinarian's conduct, performance or health arising from information received and in circumstances where the notifier does not wish to make a formal complaint
- seeking the veterinarian's comments in circumstances where there appears to be some substance to the issue raised
- determining how the matter should be managed including:
 - » no further action
 - » no further action with recommendations to the veterinarian concerned
 - » referral to the council or Health Committee in the event of significant competence or health concerns or where there is a pattern that suggests the veterinarian may not meet the required fitness or competence to practise standards
 - » referral of the matter to a CAC under section 39 of the Veterinarians Act 2005. For example, in situations where there are concerns about actions that could threaten the public's trust and confidence in the profession, apparent wilful or reckless behaviour, significant breaches and/or disregard of professional standards and actions that appear to be careless to the point of malpractice or negligence.

Any decision to use any of the processes set out in VCNZ's *Policy on Competence and Competence Assessment* rests with the council. Similarly, only VCNZ (or the Judicial Committee following a disciplinary hearing of CAC charges) has the power to cancel registration or suspend or impose conditions on practice. The VCNZ's statutory competence and health powers are invoked only in situations where the public interest is at risk and the veterinarian concerned has declined to engage or refused to enter into an agreement with the council to mitigate these risks.

The CAC's decision-making powers are restricted to laying disciplinary charges or attempting to solve the complaint through mediation. Any of the other outcomes available to a CAC, including no further action, must be endorsed by VCNZ.

By contrast, the PAC does not have any decision-making powers that have an impact on veterinarians' rights. For this reason, its processes are less formal and significantly faster than those of a CAC.

The primary issues the PAC now deals with allow CACs to focus on investigating the more serious cases involving allegations of professional misconduct such as bringing the profession into disrepute and wilful and/or reckless disregard of professional standards (except in the relatively few cases where the notifier insists that the concern(s) they have raised must be considered as a formal complaint).

In 2009, CACs dealt with 57 complaints. The notifications process was introduced in 2010. The impact has been to reduce the numbers of formal complaints to 36 in 2011, 37 in 2012 and 27 in 2013.

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Of the 29 notifications considered in 2013, 17 resulted in no further action. In six cases, recommendations were made or advice given to the veterinarian concerned and in another case the PAC was satisfied with the steps already in place to address the concerns. Five of the cases were referred to a CAC and one was referred to VCNZ to consider under its competence processes. ■

 <http://tinyurl.com/lqejmz>