

Manual for RCVS Veterinary Investigators

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Introduction – the regulatory background

Section 15 of the Veterinary Surgeons Act 1966 (“the Act”) provides:

"the Preliminary Investigation Committee ... shall be charged with the duty of conducting a preliminary investigation into every disciplinary case (that is to say, a case in which it is alleged that a person is liable to have his name removed from the Register or to have his registration suspended ...) and of deciding whether the case should be referred to the Disciplinary Committee."

The College appoints a number of investigators to assist with investigations of complaints. The investigators are appointed from registered veterinary surgeons with appropriate experience, such as approved Practice Standard Inspectors. On occasion, veterinary surgeons who are members of the Preliminary Investigation Committee (“PIC”) may undertake investigations, usually at the specific request of the PIC.

In September 2010, the non-statutory regulation of registered veterinary nurses was introduced by the RCVS and Investigators will assist with complaints against veterinary nurses.

Investigators’ Objectives

To investigate the facts and circumstances of complaints against veterinary surgeons and registered veterinary nurses, in accordance with general and specific instructions from senior staff in the Professional Conduct Department and the PIC and provide comprehensive written reports of those investigations.

Investigators’ Responsibilities

- Visits to veterinary practices (both announced or unannounced) in relation to complaints; these may include, for example, complaints about the standard of veterinary care and behaviour of the veterinary surgeon; and/or
- Interviews/telephone calls with veterinary surgeons who are complained about, to clarify issues and obtain additional information; any formal interviews will be conducted with the Professional Conduct Department's Senior Case Manager.
- Interviews/telephone calls with complainants, potential witnesses to complaints and other relevant individuals (such as other members of practice staff) about the complaint and/or
- Gathering evidence in the form of documents, records, and photographs and maintaining an appropriate record of investigations, in particular questions asked of respondent veterinary surgeons and their answers (see later)
- Attending disciplinary hearings to give evidence and associated preparatory meetings associated with hearings.

Additional responsibilities (when not a witness of fact)

- Assisting in preparation of cases going forward to disciplinary hearings, including attendance at case conferences and hearings in London or elsewhere to assist the College's solicitor/counsel.
- Advising on the assessment of complaints by Case Managers and assisting generally with RCVS investigations.
- Occasional ad hoc duties may include assisting with the statutory functions of the RCVS generally, for example, assisting with explanations to complainants and others of the role of the RCVS and why complaints may be closed.

RCVS Complaints and Disciplinary Procedures

The 3 categories of case which the PIC is required by the Act to investigate are where:

- a veterinary surgeon is convicted of a criminal offence which renders him/her unfit to practise veterinary surgery;
- a veterinary surgeon is guilty of disgraceful conduct in a professional respect;
- a veterinary surgeon's name has been fraudulently entered in the Register.

Conviction cases are usually sent straight to a meeting of the full PIC. Fraudulent entry cases are rare. They may be sent directly by Council to the Disciplinary Committee.

The Council discharges its statutory obligations with the assistance of members of the College's Professional Conduct Department. Each disgraceful conduct complaint to the College is dealt with in a staged process, with the assistance of a number of Protocols, namely:

- Protocol C for the assessment of complaints;
- Protocol D for the investigation of complaints;
- Protocol E for the case examination of complaints; and
- Protocol F for consideration of complaints by the PIC.

The assessment stage is based on information provided by the complainant to the College, generally without further investigation or input from the veterinary surgeon about whom the complaint is made. Each complaint is allocated to a Case Manager (a member of the College's Professional Conduct Department) when it is received. He/she assesses the complaint (with assistance from a veterinary surgeon, from the PIC or the Investigators, if needed) and decides whether there is an issue with the *potential* to amount to serious professional misconduct. If that low threshold is not met, the complaint will proceed no further. If it is met, the matter passes to the case examination stage.

The case examination stage is undertaken, generally, by a veterinary surgeon and a lay member of the Preliminary Investigation Committee (PIC). They will decide whether there is an *arguable case* against the veterinary surgeon. If not, the matter is closed; if so, the matter is forwarded to a full meeting of the PIC.

The case examiners may decide that further investigation is needed, before they can make their decision. Investigations at this stage may involve:

- Contacting the complainant for further information
- Visiting the complainant
- Contacting the veterinary surgeon complained about
- Visiting the veterinary surgeon complained about (if appropriate)
- Visiting the practice to speak with other members of staff
- Contacting (including visiting) potential witnesses and other relevant organisations or authorities
- Contacting other veterinary surgeons or practices involved in the care of the animal (if appropriate) before or after the veterinary surgeon complained about

These investigations may be undertaken by an Investigator, a Case Manager or other member of the Professional Conduct Department or a combination of these.

If the matter is forwarded to a full meeting of the PIC, the Committee will decide whether there is a *realistic prospect* of finding that what the veterinary surgeon has done (or not done) amounts to disgraceful conduct in a professional respect or (for convictions) renders him or her unfit to practise as a veterinary surgeon. Often the PIC will direct that further investigations should be undertaken before it can make its decision, such as the taking of formal witness statements, or offering the veterinary surgeon a formal interview under caution. Often, this further investigation is undertaken by external solicitors. If a formal interview under caution is offered, this will be undertaken by an investigator and a member of the Professional Conduct Department, usually the Senior Case Manager.

The relevance of the Police and Criminal Evidence Act 1984

The Police and Criminal Evidence Act 1984 ("PACE") and its Codes were implemented in order to provide a specific framework within which police officers and any others "who are charged with a duty of investigating offences or charging offences" (section 67(9)) must operate. While the College is not charged with a duty of investigating criminal offences, and is therefore not strictly bound by the provisions of PACE, it nevertheless seeks to follow the good practice, so as to ensure that (i) investigations are as fair as possible and (ii) any evidence obtained by investigators is reliable and not likely to be ruled inadmissible at a later Disciplinary Committee inquiry.

GUIDANCE FOR INVESTIGATORS

Visits and interviews

1. Safety

The safety of investigators is of prime importance. Investigators should not consider making any visits where there may be a risk to their health or safety. They should only arrange meetings at a safe location and time, for example a veterinary surgeon's practice or a public place, and should ensure that the College is aware of the date, time and location of visits. Investigators may consider that it will be safer to make a visit accompanied by the Senior Case Manager.

2. Impartiality and conflicts of interest

An investigator should remain impartial and independent at all times. He/she should not undertake a visit or become involved in an investigation where he/she has personal knowledge of, or a significant connection with, the veterinary practitioner being investigated, the complainant or anyone else directly involved.

An investigator who is also an RCVS Practice Standards Inspector, should not carry out an investigation where the focus of the investigation is a practice premises inspected as an RCVS Practice Standards Inspector.

An investigator who is also an RCVS Practice Standards Inspector, should not carry out an investigation into the principal veterinary surgeon, or person with who he liaised during the inspection, at any practice premises inspected as an RCVS Practice Standards Inspector.

If in doubt, the investigator should declare any potential connection or conflict to the Senior Case Manager who will advise further.

An investigator will be asked to complete a declaration of interests for the RCVS (in addition to the declaration of interests for the Practice Standards Scheme).

3. Planning

Before each visit, the investigator should identify the goals to be achieved during the course of the visit, for example:

- which witnesses to speak to;
- the questions to be asked;
- whether photographs etc will need to be taken;
- whether the witnesses will be asked to provide copies of or actual exhibits (for example, clinical notes or x-rays);
- whether it may be of assistance to undertake an examination of the animal concerned (with consent of the owner)
- How any evidence gained will be retained and stored (for example, in evidence bags with labels)

4. Arriving at the practice

Generally, an investigator's visit will be pre-arranged with the veterinary surgeon concerned. On arrival at the practice, the investigator should introduce himself/herself and ask to see the practitioner concerned. It may be appropriate before doing so to make an assessment of the practice itself, for example the waiting area, publications on the walls, state of cleanliness of the public areas, numbers of staff on duty, number of visitors in the waiting room and the way the reception/waiting room is operated.

Investigators should be discreet when introducing themselves when clients and members of staff are present.

It is important that the investigator introduces himself/herself properly to the person he/she is questioning and explains the purpose of his visit and what he/she hopes to gain from the interview.

The investigator should be aware that the veterinary surgeon does not have to allow the RCVS access to the practice, answer any questions or provide any of the items requested and must not be forced to do so. The veterinary surgeon should be told that he or she may ask the investigator to leave at any time. The investigator may, however, consider it appropriate to explain to the practitioner that the RCVS expects veterinary surgeons to respond constructively to any request for information or comments in relation to complaints against them and, for example, to provide copies of relevant clinical records.

If the practitioner is willing to speak with the investigator, the investigator should ensure that this is at a convenient time and location. For example, it may be necessary to wait for

a break between appointments, or after surgery has been completed. A meeting room should be private and as free from interruption as possible.

5. Questioning and interviewing

The purpose of questioning is to establish sufficient information on which the PIC can make a decision. It will not be necessary to ask questions about each and every detail of the case; on the other hand, there should be sufficient questioning to establish the relevant background and facts. The investigator should adopt a neutral approach when questioning, and avoid accusatory or critical language.

It is important that a potential witness to an incident is questioned in the absence of any other potential witness. This will ensure that the account given is their own, independent recollection of events and is not contaminated by listening to another witness's account or altered because of someone else's comments. It will also ensure that, if the witness later gives evidence to the Disciplinary Committee, that evidence cannot be undermined in cross-examination by the suggestion that it has been contaminated (intentionally or otherwise) by another person's account.

Investigators should be aware that a person being questioned may try to avoid answering directly or divert attention to something else. Investigators should listen carefully to answers and if they think that the interviewee has not answered the specific question asked, not be afraid to ask again.

Types of Questions

- **Open questions**

These encourage the person being questioned to give an account in their own words. Their advantage is that the interviewee may provide a considerable amount of information. Their disadvantage is that he/she may stray from the point of the question. The investigator should be alert to this possibility and gently but firmly guide the interviewee back to the point.

- **Closed questions**

This type of question will generally receive a "yes", "no" or other short reply. Examples are questions which might start, "Are you ...?", "Was it ...?", "Did you ...?". This type of question will not usually elicit a great deal of information, but can be useful, for example to clarify an answer: for example "Was it a male or female cat?" "Did you say this took place yesterday?" "Had you dealt with this owner before?"

- **Probing questions**

These are useful when individuals have not offered sufficient information or a full explanation and the investigator needs to follow up on inadequate responses. There

may be occasions when an interviewee is reluctant to provide the information. For example, someone may not want to get a colleague into trouble; an employee may worry that his/her employer will be angry with him/her. The investigator should be alert to such situations and adapt his questioning accordingly.

- **Leading questions**

These are questions which suggest the answer, or put words into the mouth of the person answering, for example, "Were you shocked by this behaviour?" (rather than the open question, "How did this behaviour make you feel?") Leading questions should be avoided when trying to elicit an account from an interviewee, but may be useful, for example, to clarify what has just been said ("You said you were shocked by what you saw?")

6. Hearsay

The PIC (and later the DC) should be in a position to consider the best evidence available and first hand accounts are therefore preferable to hearsay accounts. A first hand account is one given by a person about what *he or she personally saw or did*. If that person begins to tell an investigator about what he or she *has been told by someone else* or what he or she *has heard being spoken about by others*, the interviewee is recounting hearsay evidence. In certain circumstances hearsay evidence is admissible in court, although less weight tends to be attached to it than to first hand evidence. Similarly, the PIC will be entitled to consider hearsay evidence, but it may be appropriate for them to attach less weight to it than to direct evidence.

If, therefore, an interviewee states that he/she has been given information by somebody else, and that information is relevant, the investigator should endeavour to speak to that other person.

7. Note-taking

It is important that the investigator keeps an accurate note of all aspects of the investigation. An accurately completed, paginated notebook will:

- (i) enable the investigator to produce a report for the PIC which is as accurate as possible;
- (ii) assist the investigator recall situations or conversations, for example when later giving evidence to the Disciplinary Committee; and
- (iii) protect the investigator from later complaints or allegations concerning the investigation.

The investigator will be issued with a notebook, which should be completed chronologically and maintained on a continuous basis, recording each visit or part of an investigation as it takes place. Once a notebook is full, it should be taken out of use and stored safely for 6 years (in case, for example, the PIC decide to hold open a complaint and later re-open it).

Guidance for completion of notebook entries

Investigators should:

- enter all events in chronological order;
- write notes at the time of occurrence or as soon as reasonably practical afterwards and in all cases while events are still fresh in their memory;
- only enter information pertinent to official duties;
- make all notes clear, accurate and concise;
- when recording speech, clearly identify the speaker at the beginning of the statement;
- include full names, dates of birth, addresses and other contact information when recording personal details;
- initial and date entries once they have been made;
- write in pen.

The investigator should endeavour to make notes as factual and specific as possible, and avoid giving general impressions. For example:

- not, "the room was untidy", but rather, "there were fifteen used syringes and numerous boxes of medication lying on work surfaces, there were a number of cardboard boxes on the floor, blocking access, and the two rubbish bins were overflowing";
- not, "the witness was aggressive", but rather, "the witness began swearing and waving his/her fists";
- not "he/she was drunk", but rather, "his/her breath smelt of alcohol, he/she was slurring his/her words and was unsteady on his/her feet."

Investigators should be aware that if the matter is referred to the Disciplinary Committee, copies of the relevant pages from their notebooks MAY be provided to the veterinary surgeon concerned and his/her lawyers.

Occasionally, investigators may want to ask a witness to confirm what has been said, by signing the notebook entry. This may be appropriate to confirm significant new information from a witness or to confirm information where there is doubt about its veracity.

8. Exhibits

With the owner's consent, the investigator may take exhibits, or copies of them, for examination by the PIC. If the matter proceeds to an inquiry, it will be important to be able to trace exactly where an exhibit has been at any given time, from the moment it is taken from the witness/owner to the time it is produced to the inquiry (and thereby disprove any suggestion of contamination etc). This can be achieved by the investigator taking the exhibit, placing it in a transparent bag, sealing the bag and labelling it with a unique reference number (usually the initials of the investigator, followed by a number e.g.: "ABC/1, ABC/2" etc.) The investigator should make a note in his/her notebook identifying the exhibit, its number and from where/whom it has been taken. Investigators will be provided with suitable plastic bags and seals.

The investigator should not write on or make any other note on the exhibit itself and should ask witnesses to refrain from doing so. If a witness tells the investigator that he/she has marked the exhibit, a note should be made in the investigator's note book to this effect.

The investigator should only hand over an exhibit if he/she is satisfied that the recipient is aware of the importance of continuity, or the investigator is handing it back to the owner or veterinary surgeon at their request (in which case a note in the investigator's notebook should be made).

Generally, investigators rather than the RCVS will retain exhibits, but exhibits may be requested by the PIC, in which case they should be handed to the Senior Case Examiner or, if appropriate, sent by recorded post to the Senior Case Examiner at the RCVS.

9. Photographs

The investigator may consider it of assistance to take photographs of relevant locations, animals or articles. The investigator should ask permission of the relevant person before taking photographs. Each photograph should be identified with an exhibit number and a brief description of what is shown. This should initially be recorded in a notebook. Once the photographs have been printed, it will generally be useful to put them in a folder and draft a contents page, setting out what is shown in each photograph.

Photographs should always be capable of production additionally in electronic form.

10. Identifying further avenues of investigation

The investigator must be alert to the possibility of new avenues of investigation being opened up during the course of his/her visit. For example, it may become apparent when speaking to a veterinary surgeon, that a colleague, veterinary nurse or receptionist was an eye witness to the incident. In such circumstances, the investigator should ask to see this witness and question him/her (separately from the practitioner). If the witness is not available, the

investigator should ask for his/her full name and contact details and ask to arrange a time to speak to him/her.

11. Confidentiality

Information obtained during the course of a visit or investigation will be confidential and should not be discussed or disclosed to others, except the PIC, members of Professional Conduct Department at the College or their lawyers, even after a complaint has been closed or a disciplinary hearing has taken place.

12. Reports

The investigator should compile a report as soon as possible after his/her visit, using his/her contemporaneous notes as a basis. The report should focus on all relevant factual information and should refer to any relevant exhibits, photographs, clinical records and notes etc. The investigator may offer an opinion as to the credibility of particular witnesses, based on what he/she has observed, but should avoid being overly judgmental and should bear in mind that it is not the function of the PIC to resolve conflicts of evidence, but rather to determine whether there is a realistic prospect of a finding of serious professional misconduct.

13. Giving evidence

When giving evidence, the investigator should remember that his/her primary duty is to the court or Disciplinary Committee. If called as a witness at a Disciplinary Committee inquiry, the investigator will be asked to swear an oath to tell the truth or make an affirmation to do so and give his/her full name and professional address. Counsel for the College (if he/she is called by the College) will then refer him/her to his/her report or statement and either ask him/her to read this aloud or will elicit oral evidence from him/her by questioning him/her (non-leading questions only) about the contents of the report.

The Respondent (or his/her lawyer, if he/she is represented) may cross-examine the investigator. He/she must "put his/her case", namely give the investigator an opportunity to comment on those parts of the evidence where his/her account differs materially from that of the investigator. In addition, the Respondent or his/her lawyer may wish to ask questions which will assist his/her case (for example to elicit the fact that the Respondent was always co-operative and polite with the investigator, that the investigator had never had any difficulties with the Respondent before). The College's counsel will then have an opportunity to re-examine and thereafter the Committee will be entitled to question the investigator.

The investigator should endeavour to answer questions clearly and succinctly. If he/she does not remember or does not know the answer to a question, he/she should say so. If the investigator feels that he/she may be able to answer more fully or more accurately if allowed

to refresh his/her memory from notebooks or reports, then he/she should say so. Generally, investigators, as witnesses of fact, will be asked to remain outside the hearing room until they are called to give evidence. Once their evidence is complete, they may usually remain in the hearing room to watch the remainder of the proceedings, if they wish to do so.

14. Complaints against PIC Investigators

If anybody has a complaint against the conduct of an inspector, in the first instance, the Senior Case Manager should discuss this with the complainant and the Investigator and seek to resolve the complaint to the satisfaction of both parties, in consultation with the Head of Professional Conduct; if this does not resolve the complaint, it should be referred formally to the Head of Professional Conduct and the Chairman of the Preliminary Investigation Committee.

Admissions and interviews under caution

15. Admissions made by practitioner

PACE provides that, if there are grounds to suspect a person has committed an offence, that person must be cautioned before being asked any questions about it (or any further questions if it is answers to previous questions that have given rise to the grounds for suspicion) if his/her answers, or his/her silence (i.e. the failure or refusal to answer satisfactorily) may be given in evidence in prosecution in court. A caution does not need to be given to establish routine matters of fact (i.e. identity, ownership of a business or item etc.)

The making by a suspect of a "significant statement" is the trigger for the investigator to issue the caution. A significant statement is a phrase which puts the investigator on immediate notice that the individual may be involved in some way in the commission of the offence under investigation. A significant statement should be recorded in the Investigator's notebook.

If a veterinary surgeon, when questioned, begins to make admissions or otherwise indicates that he/she is guilty of serious professional misconduct, the investigator should immediately stop the veterinary surgeon, and explain that if the RCVS wants to continue the interview, this will be under caution, at a separate time and arranged in writing. The investigator should also explain to the veterinary surgeon that he/she may want to contact his/her insurers and/or legal advisors. In these circumstances, the visit may continue if another senior member of practice staff can accompany the investigator on the remainder of the visit.

16. Interviewing under caution

A formal interview under caution should be conducted only following written notification and should not take place at the same time as a routine visit, announced or unannounced; often such interviews will be approved by the PIC.

Consideration may need to be given to obtaining the services of an interpreter prior to or during the course of the interview.

At the beginning of the interview, the veterinary surgeon should be cautioned and reminded that he/she does not have to remain at the interview and can leave at any time. He/she should be reminded that he/she is entitled to seek advice from his/her insurers or lawyers at any time and that if he/she has a representative present, he/she may ask for a break during the course of the interview to consult privately with that representative.

The Investigator should give a caution, as follows:

"You do not have to say anything, but it may harm your defence if you do not mention when questioned something you later rely on in court or before one of the College's committees. Anything you say may be given in evidence."

The Investigator should mark in his or her notebook that a caution has been given, record the time of the caution, record all conversations and invite the veterinary surgeon to check the record (as above).

The interviewer should put any significant previous statement to the veterinary surgeon which was made in the presence of the interviewer prior to the interview. The interviewer should ask if the interviewee confirms or denies the earlier statement. A significant statement is one which appears capable of being used in evidence against the interviewee, in particular, a direct admission of guilt.

No interviewer may try to obtain answers or elicit a statement by the use of oppression. Investigators should not indicate except to answer a direct question, what action will be taken by the PIC or College if the person being questioned answers questions, makes a statement or refuses to do either. If the person asks directly what action will be taken if they answer questions, make a statement or refuse to do either, the investigator may inform them what actions the PIC or College can take, provided that action is itself proper and warranted. An investigator may give examples of how previous similar complaints were decided by PIC based on the published PIC Chairman's reports to RCVS Council but should in all cases do so with due care.

The interview must cease when:

- (a) The Investigator or Senior Case Manager is satisfied that all the questions they consider relevant to obtaining accurate reliable information about the allegation have been put to the veterinary surgeon. This includes allowing the veterinary surgeon an opportunity to give an innocent explanation and asking questions to test if the explanation is accurate and reliable, e.g. to clear up ambiguities or clarify what the veterinary surgeon has said;
- (b) The Investigator or Senior Case Manager has taken account of any other available evidence; and

- (c) The Investigator or Senior Case Manager reasonably believes there is sufficient evidence to provide a realistic prospect of a finding of serious professional misconduct for that matter.

Usually the bulk of the evidence will already have been gathered once an interview under caution is undertaken and the salient points of that evidence should be put to the veterinary surgeon during the course of the interview. The Investigator should not read out parts of statements of witnesses and put them to the veterinary surgeon, but rather should summarise what has been alleged and ask questions of the veterinary surgeon as to whether or not he or she agrees with the suggestions made.

The Investigator should refer to the Guidance above in relation to questioning. At the end of the interview, the interviewee should be asked whether he wishes to add or clarify anything.

Generally, Mr Hepper, the RCVS Senior Case Manager, will visit with an investigator if there is to be an interview under caution.

A representative of the Veterinary Defence Society may be present for a formal interview under caution.

Interview Records

An accurate record must be made of each interview, wherever the interview takes place. The record must state the place of the interview, the time it begins and ends, any interview breaks and the names of all those present. Any written record must be made and completed during the interview, unless that would not be practicable or would interfere with the conduct of the interview, and must constitute either a verbatim record of what has been said, or, failing this, an account of the interview which adequately and accurately summarises it. If a written record is not made during the course of the interview, it must be made as soon as practical after its completion. Written interview records must be timed and signed by the maker. If the written record is not completed during the course of the interview, the reason must be recorded in the interview record. Unless it is impracticable the person interviewed shall be given the opportunity to read the interview record and sign it as correct or to indicate how they consider it inaccurate. If the person interviewed refuses to read the record or sign it, the Investigator or Senior Case Manager shall read it to them and ask whether they would like to sign it as correct and indicate how they consider it to be inaccurate. The interviewer should certify on the interview record itself what has occurred.

A written record should be made of any comments made by the veterinary surgeon including unsolicited comments, which are outside the context of an interview, but which might be relevant to the allegation. Any such record must be timed and signed by the maker. When practicable, the veterinary surgeon shall be given the opportunity to read that record and to sign if correct or indicate how they consider it inaccurate.

People being questioned or making statements should not be required to stand. Before the interview commences, each interviewer should identify themselves and any other persons present to the interviewee. Breaks from interviewing should be made at recognised mealtimes or other times that take account of when an interviewee has last eaten. Short

refreshment or comfort breaks should be provided at approximately two hour intervals, subject to the interviewer's discretion to delay a break if there are reasonable grounds for believing it might prejudice the outcome of the interview.

If during the course of an interview a complaint is made, the interviewer should record this in the interview record. Generally, an interview with a veterinary surgeon under caution should be recorded openly, to instil confidence in its reliability as an impartial and accurate record of the interview.

If tape-recorded, the master recording should be sealed in the veterinary surgeon's presence. A second tape recording should be used as a working copy.

At the commencement of a taped interview, the interviewer should tell the veterinary surgeon about the recording process, explain that it is being audibly recorded, explain for the purposes of the tapes, people present, state the date, time of commencement and place of the interview and state that the veterinary surgeon will be given a notice about what will be happening to the copies of the recording.

When a break is taken, the fact that a break is to be taken, the reason for it and the time of the break shall be recorded on the audio recording. When the break is taken and the interview room vacated by the veterinary surgeon, the recording media should be removed from the recorder and the procedures for the conclusion of the interview followed. If a break is a short one and both the veterinary surgeon and the interviewer remain in the interview room, the recording may be stopped and there is no need to remove the recording media. The time the interview recommences shall be recorded on the audio recording.

After any break in the interview, the interviewer must before resuming the interview remind the person being questioned that they remain under caution or if there is any doubt give the caution in full again.

If for any reason the equipment recording the interview fails or it has not been reasonably practicable to secure recording equipment for the interview, then the interview may continue with a manuscript note being made by the interviewer.

At the conclusion of the interview, the veterinary surgeon should be offered the opportunity to clarify anything he or she has said and asked if there is anything he or she wants to add. At the conclusion of the interview, including the taking and reading back of any written statement, the time should be recorded and the recording should be stopped. The interviewer should seal the master recording with a master recording label and treat it as an exhibit. The interviewer should sign the label and ask the veterinary surgeon and any third party present during the interview to sign it. If anyone refuses to sign the label, then a note should be made of this.

The veterinary surgeon should then be handed a note which explains how the audio recording will be used, the arrangements for access to it and that if the person is pursued to a Disciplinary Committee hearing, a copy of the audio recording will be made available as soon as practicable or as otherwise agreed.

The Investigator should make a notebook entry to record the fact that the interview has taken place, was (if this is the case) audibly recorded, its time, duration and date and, (if appropriate), the master recording's identification number.

Master recordings should be kept securely and their movements accounted for on the same basis as any other exhibits to be used for evidential purposes.

If, for any reason, the master tape seal needs to be broken, the Respondent or his/her legal representatives should be informed and given a reasonable opportunity to be present. If they do attend then they should be invited to re-seal and sign the master recording. A note should be made of the master seal being broken including the date, time, place and persons present.

17. General documentation on the RCVS complaints and Disciplinary procedures

Investigators should have an understanding of relevant RCVS guidance and the RCVS complaints and disciplinary procedures including:

- i. RCVS Code of Professional Conduct
- ii. RCVS Supporting guidance
- iii. RCVS guidance on equine dental technicians
- iv. Making a complaint to the RCVS – a guide to our complaints procedure
- v. Processing a Complaint – a guide to our complaints procedure for PIC members and RCVS staff
- vi. PIC Chairman's reports to RCVS Council and the associated index of cases reported anonymously
- vii. Lay Observers' reports to RCVS Council and PIC responses.
- viii. Disciplinary Committee Procedure Guidance: guidance on the Disciplinary Committee's purpose and function, decision-making, indicative outcomes and sanctions, reasons for decisions and procedures
- ix. Disciplinary Committee witness information pack