College of Veterinarians of British Columbia

A Review and Report on the CVBC Complaints and Investigation Process: FAQ's For Registrants

1) What led to this review?

A: The CVBC Council, Committee and staff recognized that there was a need for change in the CVBC complaints process due to the increasing number of complaints, increased time from complaint intake to resolution, and the heavy administrative burden of the existing process on the investigations Committee and the office staff. As a result, after extensive research on how best to proceed, the Council decided to commission a review of the process through Mr. Cayton and Cavouras who have significant experience in regulatory reform and administrative law. The Council felt that it was critical to ensure that consultants with appropriate expertise could help to inform the change and ensure the suggested changes were in line with the Standards of Good Regulation.

2) Why did you do this review now?

A: The data collected relating to complaint case management, timelines and outcomes clearly indicated the need for change. The Council went through a strategic planning process and recognized the critical need to address the issues around the complaints process. This was supported by feedback received by registrants, stakeholders, and the public.

3) Why did you release the report only one day before the townhall?

A: The College wanted to introduce the report as soon as possible and to ensure that Mr. Cavouras and Mr. Cayton could speak to the report findings and help provide an overview of the process and the outcomes right from the start. Context was important. The College will be holding follow-up meetings to continue the discussion and in the meantime will answer any questions you may have. Please contact feedback@cvbc.ca.

4) Has the report been accepted and if so, what was the point of the townhall?

A: The CVBC Council has reviewed and accepted the report in its entirety. The purpose of the townhall was to share the findings, provide context, hear the perspectives of the registrants, seek thoughts and ideas on implementing change.

5) How do the registrants feel about this review?

A: We can't speak on behalf of all registrants, but from the perspective of the CVBC, we heard from many registrants and members of the public who have participated in the complaints process recently. They provided clear feedback that change was needed. Registrants *and* the public want to see a credible regulator that operates using fair and transparent processes that help to ensure the ability to continue to self regulate. Therefore, we anticipate that both the registrants as well as the public will be receptive to this review process and the associated recommendations.

6) What made you choose Harry Cayton for this review?

A: Mr. Cayton is an experienced advisor on professional regulation and governance and is internationally recognized for his work with regulators in the UK, Ireland, Canada, Australia, and New Zealand. He has advised government on regulatory issues in Hong Kong, Australia, Ontario, British Columbia, and the UK. With the combined skills and experience of Mr. Cayton and Mr. Cavouras, the College was confident that the recommendations received would position the CVBC to make appropriate, positive, and successful changes to meet the Standards of Good Regulation. This directly supports the mandate of the CVBC to continue to ensure the protection of the public through a competent and ethical veterinary profession.

7) How much did the review cost? Are the registrants paying for it?

A: The cost of the review was undertaken within the 2022/2023 operational budget. It did not require the use of reserve funds and amounted to an investment of $70,000. The College enjoys the privilege of self regulation which is a significant responsibility and requires the performance of difficult tasks. Review and change are necessary in the public interest. The College is funded by registration fees which support the delivery on the mandated responsibilities of the College including veterinary registration, complaints and investigation, professional standard setting, and facility accreditation.

8) How does the CVBC feel about "failing" on 8 of the 10 professional standards?

A: It is of course disappointing to see that the College did not meet 8 of the 10 standards, and we take the fact that we did not meet these standards very seriously. We have significant work to do, and we are committed to it. Mr. Cayton has indicated that it is not unusual for a regulator not to meet the standards when first reviewed. He notes that these standards are intentionally demanding as they aspire to excellence, and the CVBC is prepared to make positive change to meet those standards in the coming years. By applying the standard, we will be able to improve performance over time.

9) Did you anticipate these results?

A: Yes, the CVBC was aware that there was a need for regulatory improvement in the complaints and investigation process. We welcome the recommendations and look forward to implementing them.

10) How do you propose to address the review's findings and recommendations?

A: The College has developed an interim action plan which is available online and articulates timelines, goals, and benchmarks. We recognize that this process will continue to evolve with refinements and changes made along the way. Additionally, the College has committed to allocation of funding to ensure that implementation of the recommendations is possible.

11) What are your top priorities in dealing with the Cayton recommendations?

A:

- To implement operational changes at the intake and committee levels that enhance the consistency, fairness, timeliness and transparency of the complaints and investigation process
- To improve communication tools for the public and the registrants

- To review staffing levels and workflows to ensure sufficient resources are available to undertake the required work, and to minimize duplication and administrative burden

12) What are your measures of success for this improvement initiative?

A: From the interim action plan, we have identified key benchmarks which will help inform the College on the progress that has been made. These include reducing the time between registration of a complaint and conclusion of a complaint, the number of tools and training opportunities provided to committees and staff, established communication processes that ensure ease for process for the public and for registrants, as well as having sufficient staff with the skill sets required to perform the necessary tasks.

13) How will you be consulting and communicating with the registrants as you further develop and implement your action plan?

A: The townhall and FAQ document was the start of our conversation with registrants on this process. The approach to the townhall was to provide a summary of the findings and an opportunity for preliminary discussion. Further townhalls and outreach will be planned as we progress in our activities, and we anticipate that feedback will continue to be offered by registrants as we move forward. We will communicate on updates through newsletters, townhalls and the annual general meeting. To evaluate the success of implemented changes, we will establish a process to get structured feedback from registrants and members of the public who participated in the amended complaint process to help us make sure we are continually improving.

14) What will the expected turn around time for complaints be after the changes have been implemented?

A: Investigation timelines can vary greatly in length due to external factors and complexity of the case. Our goal is to focus on the areas that are under CVBC control by getting the process running efficiently and effectively from the beginning, and by addressing existing backlogs including the time to assigning investigators, the time to review records, and to communicate a decision. We will be transitioning to a risk-based approach where the scope and scale of the investigation is reflective of the seriousness and complexity of the complaint. Most regulators performing effectively demonstrate a median time for an investigation of under a year.

15) Can you tell us why you have resorted to investigators who are not veterinarians?

A: CVBC continues to use veterinarians as investigators in most cases. However, there are exceptional circumstances, for instance when there may be a conduct issue unrelated to the practice of veterinary medicine, or if the complainant and the registrant have engaged legal representation, where an investigator with a legal or enforcement background may be engaged, always with the support of a veterinary investigator. The CVBC currently has 5 veterinary investigators, and 2 non - veterinary investigators.

16) Is it possible for a veterinarian to have the speed of the handling of the complaint improved IF the process is taking abnormally long (assuming the delay is NOT due to a slow response from the veterinarian)? A long complaint process serves no one but significantly increases the stress load of the veterinarian.

A: We agree – a slow process is very challenging for all involved and we understand that the complaints process can be stressful. The College will be working hard to be as respectful of these impacts as possible. This was one of the main reasons for the review; to resolve the long processes and address the issues under the control of the CVBC. In any circumstance, a veterinarian is welcome to contact the complaints division if they have questions about the status of their complaint and this will not change. Outside of responding in a timely manner, a veterinarian cannot influence the complaint process as the timeline will be driven by the complexity and seriousness of the complaint, the number of parties involved in the process, and it would be inappropriate for a veterinarian involved in a complaint to be able to drive or influence the time required to conduct a proper investigation. Part of the changes to be implemented will be better communication on the status of complaints back to both the registrant and the complainant so that there will be a more clear understanding of where the complaint is in the process and what actions are underway. We heard and we know that long periods with no communication on the status of the complaint has contributed to stress for all parties involved. Please know that veterinarians and their family members may access the Homewood Health Family Assistance Program for support at no cost. This process can be accessed by logging into the Registrant page of the CVBC website at https://www.cvbc.ca/my-account/for-registrant/registrant-support-services/

17) When will the CVBC provide registrants with the opportunity to review the emergency after hours bylaw requirements?

A: This was not the focus of the Cayton-Cavouras review and townhall. However, we can provide the update that the CVBC will be surveying registrants to seek feedback on the current regulatory requirements for emergency and after-hours care provision. In addition, this is a topic that is an issue at the national level as is the veterinary shortage. The CVBC will be consulting with the Canadian Council of Veterinary Registrars to explore how other provinces are approaching requirements and if any planned amendments are underway.

18) Will there be members of minority groups on the Complaints Intake Panel?

A: The Complaints Intake Panel is populated by volunteers from the Investigation Committee. The CVBC welcomes diverse representation reflective of the veterinary profession in BC on all Committees and Panels. Composition of the Complaints Intake Panel is dependent on the composition of the registrants that are able to volunteer and do this extraordinary work on behalf of the College. If you are a member of an equity-seeking group and are able to support the work of the College in any capacity, please contact feedback@cvbc.ca.

19) Who will review the criteria that will weigh the risks as identified in Recommendation 8?

A: CVBC staff will support a working group of Council veterinary and public members, legal counsel, and professional consultants to develop the risk assessment process. The working group will also be seeking input from the Investigation Committee. High risk cases will most likely involve complaints that raise serious concerns regarding the registrant's conduct or competency that has real or potential for significant harm to a patient, the public or the reputation of the veterinary profession. The risk assessment tools developed will provide a guide for staff to assess incoming complaints, and high-risk complaints will be directed to the registrar for review to determine if the complaint should be prioritized for review by the Investigation Panel.

20) As part of the revamp will the CVBC reach out to other colleges in BC and other regulatory agencies a framework they can go by?

A: Absolutely! We have already begun collecting examples of tools in use by other veterinary regulators as well as other professional regulators to aid in the development of process. We will need to make sure that changes are in line with B.C.'s *Veterinarian's Act* and the CVBC bylaws, but we can certainly adapt tools that have been working well for others to meet our needs.

21) The Standards of Good Regulation were developed for use in the UK, why not use Canadian Standards?

A: The Professional Standards Agency developed the Good Standards of Regulation which have been adopted by many professions internationally including Canada. These aspirational standards are applicable regardless of the country of origin of the regulations and the regulator that chooses to use them.

22) Appendix 1 – Standards of Good Regulations in Complaints – This is very important – Standard Number 1 says anybody can raise a concern including a regulator about the conduct and competence of a registrant. This has not been something that has been applied in the past and would like to know how the College will apply this going forward.

A: The issues identified in Standard 1 in the report speak to accessibility for complainants to be able to submit a complaint. We need to better articulate who and how a complaint can be submitted, including how the College can address concerns with the practice of a registrant in the absence of a complaint from a member of the public or a registrant. We will be reviewing all processes to ensure we are able to address conduct and competence issues that come to the attention of the CVBC.

23) Will you be improving the complaints process in terms of validating a complaint before a registrant is notified of the complaint, and will the scope be decreased on who is allowed to complain?

A: The regulations currently identify the criteria for a complaint and what can be addressed but also what may be dismissed by the College. The CVBC has not been exercising the ability to dismiss to the full interpretation of the regulations and we intend to develop clearer guidelines and training tools for the Investigation Panel to ensure **only** complaints that meet the terms defined as a valid complaint in the Act proceed to investigation. All or part of a complaint may

be dismissed without an investigation if the investigation panel reasonably believes that any of the following apply:

(a) The complaint is trivial, frivolous, vexatious or made in bad faith
(b) The complaint concerns a matter over which the College does not have jurisdiction
(c) The complaint gives rise to an abuse of process
(d) The complaint is filed for an improper purpose or motive
(e) There is no reasonable prospect the complaint will be substantiated
(f) The substance of the complaint has been appropriately dealt with in another proceeding

24) The Standards of Good Regulation were developed in the UK and only the UK government is accountable to them. Why are we using this as a tool to oversee or measure regulation in Canada?

A: We take a broader view of the standards, not specific to the UK or Canada. We agree, BC and Canada are not strictly accountable to the standards, however this does not negate the utility of using the standards as a guideline to improve CVBC's practices. These standards have been applied all over the world, and quite frequently in Canada most recently as a guide to undertake the revision of the *Health Professions Act*. These standards are universally about good regulation in the public interest and have proven to be a reliable tool to measure and improve regulatory performance internationally.

25) The reviewers talk about the 10 different standards 8 of which the College did not meet and 2 the CVBC partially met. Where can these standards be found?

A: The full report can be found under the news section of the CVBC website, and the details of the different standards can be found under Appendix 1 of the report. If you have questions or have any trouble finding the information, please feel free to contact us at feedback@cvbc.ca.

26) Where does the $50,000 maximum fine come from in section 4.38 of the Act? How was this figure identified? Has any other association implemented this kind of fine?

A: The maximum fine is set in the Veterinarians Act which is a decision of the legislature. The Health Professions Act and Dentistry Legislation have the same maximum fine, other professions, for example the real estate profession, have a maximum fine of $250,000. This is not set by the College but by the government.

27) Does the CVBC have a protocol for checking in with a client as the complaint proceeds in the event the client has resolved the issue with the veterinarian?

Part of the work we are undertaking is to improve communication, including check-ins with both registrants and the public as a complaint proceeds to provide updates on the status of the complaint and its progress though the system. A complainant can withdraw a complaint at any time; however, we must be cautious to avoid the perception that we are deterring or discouraging a complaint from a member of the public so a withdrawal would need to be something that would occur **only** at the request of the complainant. We have also been advised that if a client does elect to withdraw a complaint, the College must ensure that the nature of the complaint does not reflect conduct or competency issues that could pose a risk to the public, and as such should proceed despite the request of the complainant to withdraw.