



Policy on Competence and Competence Assessment

Introduction

The Veterinary Council's principal purpose is to protect the public interest by ensuring that veterinarians are competent and fit to practise – not just at the time of initial registration, but on an ongoing basis.

There are two strands to the Council's competency provisions. The first is focused on the profession as a whole and is aimed at ensuring that veterinarians continue to be competent by maintaining recency of practice and engaging in continuing professional development. The second strand relates to the few veterinarians whose competence has been called into question. The Veterinarians Act allows the Council to assess the veterinarian's practice and to put in place remedial measures if competence is found wanting.

In such situations the Council has statutory powers to suspend or place conditions on a veterinarian's practice. But given its view that competency provisions should be educational and rehabilitative the Council prefers to seek the veterinarian's agreement to work with the Council to address the concerns identified.

Legislation

The principal purpose of Veterinarians Act 2005 (the Act) is to "protect the public interest by aiming to ensure that veterinarians are competent to practice".

Section 26(b) requires the Council to be satisfied that an applicant meets the practising requirements of the Act before being issued with an annual practising certificate. One of the practising requirements is that veterinarians record and report on their professional development.

Sections 55, 58, 59 and 60 of the Act provide for competence assessment of veterinarians. The Act specifies that the Veterinary Council of New Zealand (Council) may carry out a competence assessment on a veterinarian, on its own initiative or on the recommendation of a Complaints Assessment Committee.

The Veterinarians Act provides that a competence assessment "must follow the (health assessment) procedure set out in s55(2) to (5) and those provisions apply with all necessary modifications, as if the medical examination were an examination by a person qualified to assess" the veterinarian's competence.

Section 55 (2) (d) (i) states that if the veterinarian refuses to undertake the examination the Council may, despite the refusal, take action under s57 (1). Council has therefore decided that if a competence assessment is unable to be conducted or completed, because of a veterinarian's failure to respond adequately, it may consider this as an indication that the veterinarian fails to meet the required standard of competence.

Guidance on continuing professional development

The Council considers that Continuing Professional Development (CPD) is essential to maintain and enhance professional skills and knowledge and as such, in consultation with the New Zealand Veterinary Association, has drawn up, and made available to the profession, guidance on what is considered a reasonable commitment to CPD. (For further information refer to VCNZ Guidance on Continuing Professional Development Expectations)

Definition of Competence and Competence Standards

The Council considers that a competent veterinarian is one who applies knowledge, skills, attitudes, communication and judgement to the delivery of appropriate veterinary services in accordance with their field of veterinary practice. In considering how well a veterinarian is working, consideration must be given to the actual demonstration of competence through performing the tasks required in the relevant field of veterinary practice, to a defined standard and to be able to do this on a consistent basis.

The Council has developed a set of competence standards and performance indicators for the veterinary profession so that there is a measurable standard for each veterinarian to be assessed against. Some of these standards will not necessarily apply to those in non clinical practice.

The eight competence standards are:

- Understand the scientific and evidence basis for veterinary medicine and integrate this knowledge into current practice
- Obtain and record relevant information sufficient for analysis, diagnosis and retrieval
- Analyse information to enable accurate diagnosis and develop appropriate treatment strategies
- Know when and how to refer
- Implement safe and effective veterinary procedures and therapeutic strategies
- Use veterinary skills and knowledge to prevent and relieve animal suffering, maintain and enhance the health, productivity and well being of animals and promote and protect public health, animal product safety and certification and New Zealand biosecurity
- Communicate effectively
- Practise in a professional, ethical and legal manner

These standards are based on current graduating competencies of BVSc (Massey) students and may be subject to change.

(For further information refer to refer to "Competency Standards and Performance Indicators for Veterinarians")

The Council recognises that veterinary practice is complex and encompasses clinical and non clinical activities. The "Competency Standards and Performance Indicators for Veterinarians":

- do not necessarily cover all aspects and areas of a veterinarian's practice; and
- some of the competency standards will not be relevant to the work of veterinarians engaged in non clinical practice.

In considering an individual veterinarian's competence the Council will also take into account the performance standards considered reasonable by informed peers.

Determinants of a Competence Assessment

The Council may carry out a competence assessment on a veterinarian, on its own initiative or on the recommendation of the Complaints Assessment Committee.

Council has agreed that the following factors increase the probability of underlying incompetence and may, in combination, or on their own, lead to a competence assessment:

- A pattern of poor standards of care or performance that suggests that the veterinarian's practice may not meet the required standard of competence. For example a pattern of poor care with several clients or one client over a period of time
- The magnitude of the mistakes – evidence of a significant knowledge or skill deficit or a one off serious departure from accepted standards of practice
- Working in a professionally isolated environment or in an environment which does not assist the maintenance and/or development of competency

Incompetent practice may be the result of personal or external stress factors or gradually evolving illness or disability such as dementia, depression, substance abuse or other chronic illness.

Issues appropriately dealt with by Council's competence processes are those where the problems should be amenable to educational intervention.

When competence assessment is not appropriate

Council has agreed that the following factors decrease the likelihood of it deciding to assess the competence of a veterinarian:

- the matter would be more appropriately dealt with by other agencies such as the Courts, the Police or Government agencies and does not directly relate to professional or clinical competence
- the matter is one of professional misconduct which is more appropriately dealt with by the Complaints Assessment Committee

Veterinary Council Approach to Competence Assessment

Although competency assessment may be triggered by a recommendation from a Council Complaints Assessment Committee following consideration of a complaint, competency assessments do not investigate complaints and are not a disciplinary process. Rather they are designed to be evaluative, educational and rehabilitative in nature and based on thorough, transparent and fair processes.

Competence assessment is however a formal statutory process which can have significant consequences for the veterinarian concerned. In recognition of the anxiety that they can cause for veterinarians being assessed, they are also as consultative and supportive as possible.

The fact that a veterinarian is undergoing a competence assessment is not public information.

Notification to the Veterinarian

If the Council is considering undertaking a competence assessment the veterinarian will be advised of why and asked to comment. The veterinarian is also asked to comment on any factors, such as personal health, environmental, managerial, or systems which may be impacting on his or her practice and what steps have been taken to address these.

If, after receiving the veterinarian's comments, the Council decides that a competence assessment should be undertaken, the veterinarian is provided with the reasons for the decision to carry out the assessment and asked to comment on the proposed terms of reference and membership of the assessment team. The Competence Assessment Team (CAT) is a committee of Council.

The veterinarian is given brief background details of the proposed assessors and may request a change if he or she perceives a conflict of interest or lack of expertise to assess his or her specific practice. Such a request will be carefully considered, but may not be granted.

The veterinarian is also advised of:

- the requirement to make practice records available to the assessment team
- his or her right to have a support person or observer present during the assessment
- Council's expectation that s/he will inform their employer and relevant others that the competence assessment is taking place
- his or her opportunity to comment on the assessment team's report before it is considered by Council

Competency Assessment Teams

Following Council's decision to require a veterinarian to undertake a competence assessment, draft terms of reference for the review are developed which include the proposed assessors and convenor.

The Council maintains a panel of trained veterinarians and laymembers who are available to undertake competence assessments. Suitable assessors need to be competent, have

good interpersonal skills and preferably have some knowledge of educational assessment. Veterinarians are not appointed as assessors, if there is any perceived conflict of interest, or if they have previous proven complaints or current complaints against them.

(For further information refer to "Guidance on the Appointment of Competency Assessors" available from the Council office on request)

A Competence Assessment Team of up to 3 members will be appointed by the Council from a panel of assessors. Team members usually include a person familiar with assessment methods and a peer practising in the same branch of veterinary medicine as the person being assessed. One person will be appointed to convene the assessment team.

CAT members must declare any conflicts of interest and sign a confidentiality agreement in which they undertake not to reveal or release any personal or health information obtained about the veterinarian being assessed or his or her clients, except as legally required during the course of, or after, the assessment.

Terms of Reference

The terms of reference provide a summary of why the competence assessment is being carried out and outline the scope of the assessment. This is usually focussed on the area/s of concern which prompted the assessment, but may be more general depending on the individual circumstances of the case.

The competency assessment is not a 'fishing expedition'. However if the Competence Assessment Team identify any other competence issues during the course of the assessment, which would normally be serious enough to warrant concern, these must be notified to Council.

The assessment wherever possible uses standard assessment techniques (e.g. structured interviews, communication skills, clinical case management, records assessment and practice systems) but some aspects may need to be adapted to meet the needs of the particular assessment. The terms of reference contain suggestions on the tools most suitable to use for the particular circumstances.

Competence Assessment Process

The Competence Assessment Team will visit the veterinarian at his or her place of work. The veterinarian can expect the onsite part of the assessment to last one day and may have a support person present.

Within a month of conducting the assessment, the Competence Assessment Team will write a draft report to the Council with a recommendation on whether the veterinarian's practice meets the standard of competence reasonably to be expected of a veterinarian practising in the relevant area of practice.

Where the CAT is of the opinion that veterinarian does not meet the required standard of competence the report will also include recommendations to Council on:

- how the deficiency or deficiencies might be overcome;
- whether an educational programme would be appropriate, and if so the scope of such a programme;
- other requirements to promote and ensure competent practice - whether by conditions placed on the veterinarian's registration or practising certificate or by voluntary agreement; and
- the method/s by which the veterinarian should be reassessed after any educational programme and/or completion of other requirements

The veterinarian is provided with a copy of the draft report and asked to comment.

The veterinarian's comments are taken into account by the CAT in finalising its report to Council.

A copy of the final report is provided to veterinarian who is invited to make submissions or to be heard on the matter.

The Council considers the report together with any oral or written submissions from the veterinarian. The veterinarian or the convenor of the CAT may be present at the Council meeting.

If the CAT has determined that the veterinarian does not meet the required standard of competence, then the Council may take one or more of the following actions as specified in the Act (s60)

- (a) cancel the veterinarian's registration;
- (b) suspend the veterinarian's registration for a specified period;
- (c) cancel the veterinarian's practising certificate;
- (d) suspend the veterinarian's practising certificate for a specified period;
- (e) order that the veterinarian's be ineligible to hold a practising certificate for a specified period;
- (f) impose conditions on the veterinarian's practice.

However the Council has decided that its use of these statutory suspension, cancellation or conditions on practice provisions will only be used in situations where the veterinarian is not co-operative and his or her practice falls below the required standard and poses a significant threat to the public interest.

As such, the usual outcomes of a competency assessment process, if the veterinarian's practice does not meet the required standard of competence, will be a voluntary agreement with the veterinarian to undertake an educational programme and/or practise under certain requirements such as supervision, oversight, limitations on the range of practice or practical experience. Such agreements are not noted on the veterinarian's entry in the Council's public register of veterinarians.

Appeal rights

The competence assessment process observes the rules of natural justice.

The Veterinarians Act does not contain any appeal rights against a Council decision to require a veterinarian to undergo a competence assessment.

However if the Council decides to take action following a competence assessment the veterinarian may appeal, under s64 of the Veterinarians Act, to the District Court against any decision to suspend his or her practising certificate or registration or to impose conditions

Costs of the Assessment

The Council pays for the costs of any competency assessment. The veterinarian meets the costs of any subsequent educational programme or other requirements such as supervision.

Evaluation of the Assessment Process

The Council evaluates each assessment review to enable it to improve and refine its processes.