**Animal and Plant Health Agency**

# Policy for authorisation of Official Veterinarians (OVs) in Great Britain

Version 3.3

## Change notice

The following changes have been made to Version 2:

- This document has been extensively updated and re-written, please read the new version.

### Contents

# Definitions

1. For the purposes of this document the following definitions shall apply:

    a. **Agency** means the Animal and Plant Health Agency, the Competent Authority for the purposes of this authorisation and relevant legislation.

    b. **Approved Blood Sampler (ABS)** means a non-veterinarian appointed by the Agency who is not an employee of Government and who holds the Official Controls Qualification (OCQ) (Animal Health Paraprofessional) - Approved Blood Sampler (OCQ(AHP) - ABS) certificate permitting them to perform blood sampling of cattle on behalf of APHA in England and Wales only.

    c. **Approved Assessor** means an Official Veterinarian (OV) employed or subcontracted by the training provider who is responsible for carrying out the practical assessment of tuberculin skin testing by conditionally authorised OVs and ATTs. This is required prior to being granted full authorisation under the OCQ(V) - TT or OCQ(AHP) - ATT qualifications.

    d. **Approved Tuberculin Tester (ATT)** means a non-veterinarian appointed by the Agency but who does not work as an employee of the Agency who holds the OCQ(AHP) - ATT certificate permitting them to perform skin TB testing of cattle in England and Wales only.

    e. **Approved Veterinary Supervisor (AVS)** means a Veterinary Surgeon appointed by the Agency who holds the OCQ(V) - TT qualification, who has audited evidence of no breaches in their tuberculosis skin testing work in the two years prior to this appointment and is who is confirmed as primary supervisor for an ATT.

    f. **Approved Veterinary Supervisor - Blood Sampling (AVS-BS)** means a Veterinary Surgeon appointed by the Agency who is confirmed as primary supervisor for an ABS.

    g. **Authorisation** means permission granted by the Agency to a veterinary surgeon to carry out the OV role for the relevant OCQ(V) qualification following successful completion of the relevant training, examination and where required, a practical assessment.

    h. **Certification** means the act of being awarded a certificate of competence after completing the relevant OCQ(V) qualification following completion of an approved course of study and passing the final assessment offered by an approved training provider.

    i. **Conditional Authorisation means** the limited permission granted by the Agency to a Veterinary Surgeon who has successfully completed the theory component of the OCQ(V) TT training provided by the approved training provider to carry out bovine TB testing. A conditional OCQ(V) - TT certificate will be issued. Such limited approval is granted for a four month period and may not be converted to full authorisation until successful completion of a practical assessment.

j. **Day** means a day in the calendar, including Saturday, Sunday, bank and public holidays.

k. **Grandfather Rights** means authorisation granted for a specified duration to OVs without the need to complete the OCQ(V) qualifications. In June 2014 OV training was replaced by the Official Control Qualifications (Veterinarian) (OCQ(V)). All OVs authorised as OVs or LVIs under the previous system enabling them to complete work on behalf of APHA were entitled to apply for grandfather rights in the new corresponding OCQ(V)s.

l. **Official Controls** means any form of control that the Competent Authority performs for the verification of compliance with feed and food law, animal health and animal welfare rules.

m. **Official Controls Qualifications (Veterinary) (OCQ(V))** means an accredited qualification achieved following training and assessment by a government approved training provider in a particular veterinary discipline. The qualification is awarded to a Veterinary Surgeon upon successful completion of the qualifying assessment.

n. **Official Veterinarian (OV)** means a Veterinary Surgeon appointed by the Agency to perform specific tasks on behalf of the Agency. A Veterinary Surgeon must hold an OCQ(V) qualification and be a full member of the Royal College of Veterinary Surgeons (RCVS) to be authorised by the Agency as an OV. Veterinarian and Veterinary Surgeon are interchangeable terms.

o. **Revalidation** means the renewal of the relevant OCQ(V) qualification prior to its date of expiry to enable continuation of both the qualification and authorisation.

p. **Royal College of Veterinary Surgeons** (RCVS) means the regulatory body for Veterinary Surgeons in the United Kingdom. It is responsible for monitoring the educational, ethical and clinical standards of the veterinary profession.

q. **Senior Veterinary Manager** is a Veterinary Surgeon directly employed by the Agency at either Grade 7 or Grade 6.

r. **Training Provider** means the supplier contracted by the Agency for the provision of OV training and assurance.

s. **Veterinary Delivery Partners (VDPs)** means the suppliers contracted by the Agency to deliver veterinary work on its behalf. VDPs can deliver the work through sub-contracted veterinary practices.

t. **Veterinary Director** is the Head of the Veterinary Profession in the Agency.

u. **Veterinary Inspector (VI)** means a Veterinary Surgeon appointed by Ministers to be an inspector for the purposes of the Animal Health Act 1981 and the Animal Welfare Act 2006.

v. **Working day** means a day that is not a Saturday, Sunday, bank, or a public holiday.

# Introduction

2. This Policy for Authorisation of Official Veterinarians (OVs) replaces and amends the previous version dated September 2022. This policy replaced 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). It is the policy with respect to the authorisation of OVs to act on behalf of Ministers. It sets out the working relationship between the Agency which acts on behalf of the relevant Ministers in England, Scotland and Wales, and OVs who seek to carry out tasks on behalf of those Ministers and who are not employees of Government.

3. 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 or to provide APHA with resources in remote areas.

4. The World Organisation for Animal Health (WOAH) 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 WOAH 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.

6. Future legislative changes, government policy or other factors may necessitate a revision of the conditions contained herein. In the event of a revision, OVs will be informed and should an OV not wish to continue on the revised terms, the authorisation can be terminated by mutual consent.

# Authorisation

7. Official Controls Qualifications (Veterinary) (OCQ(V)) are accredited qualifications achieved following successful training and assessment by the training provider.

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

    - is a UK practising Member or Fellow of the RCVS (MRCVS or FRCVS) or an EU national who is authorised by the RCVS to carry out temporary veterinary work in GB and
    - has gained one or more relevant OCQ(V)s demonstrating their competence to undertake the specific OV activities and
    - is regarded by the Agency as a suitable person to carry out tasks on behalf of Ministers, taking into account any previous performance as an official or veterinary surgeon

9. In order to carry out tuberculin skin testing in England, Wales or Scotland under the relevant TB Orders, OVs must complete the OCQ(V) - TT qualification. Unlike the other OCQ(V) qualifications, authorisation is a two-stage process:

    - Conditional Authorisation is granted following successful completion of the OCQ(V) - TT theory training, nomination of a supervisor and application to register onto the Agency's Sam IT system. The issuance of Conditional Authorisation by the Agency can take up to ten working days from the date that the last of these requirements are completed. Conditional Authorisation is granted for a four month period and cannot be converted to full authorisation until successful completion of a practical assessment
    - an OV with Conditional Authorisation is permitted to carry out TB skin testing under the direction of an OV with the OCQ(V) - TT who has already been authorised. Once an OV has been granted Conditional Authorisation, access to the Agency IT system for recording bovine TB skin test results will be granted and retained through the length of the Conditional Authorisation. Access will stop if the Conditional Authorisation does not proceed to full authorisation
    - Veterinary Surgeons cannot and must not act as an OV including performing TB skin testing until they have received confirmation of their Conditional Authorisation
    - Authorisation will be issued on completing a practical assessment with satisfactory results within four months of the award of Conditional Authorisation. The practical assessment is conducted by the approved training provider or their subcontracted provider
    - an OV is responsible for arranging their practical assessment with the training provider directly, providing the training provider a minimum of six weeks' notice
    - if the OV is unable to meet the eligibility criteria for the practical assessment prior to the expiry of the Conditional Authorisation, an extension can be requested
    - if an OV has not completed the practical assessment within the four months of Conditional Authorisation, they may be eligible for an extension if they have also had an on-farm assessment carried out by their supervisor. The on-farm assessment must have been carried out between two and four months after the date Conditional Authorisation was granted. This must be uploaded by the OV or their supervisor onto the OVs training record before the four month deadline
    - the OV will be required to complete a declaration via their training record which states the reasons for needing an extension and must save this as part of their training record
    - if an OV has not met the criteria for the numbers tested or reactions seen and has uploaded the on farm assessment report, a four month extension will be automatically granted. For any other reason the request for extension will be referred to APHA for a decision
    - if the OV has no tests scheduled that will enable a supervised test to be carried out in the required period, the request for an extension will be escalated to APHA for a decision
    - If the OV fails to have the on-farm assessment with their supervisor or fails to upload the report onto their training record, or otherwise request an extension, Conditional Authorisation will automatically be expired when the four month deadline is reached

- the training provider will notify the OV of the date of expiry of the Conditional Authorisation and will send reminders prior to that date
- if an extension is granted then a further request for extension can be made by the OV following the same process
- If, after a further four months (a total of twelve months from when Conditional Authorisation was granted), an OV has still not completed the practical assessment, the Conditional Authorisation will be expired, other than where there are exceptional or mitigating circumstances. Applications for further extensions will be referred to an APHA Senior Veterinary Manager for consideration.

10. Once OCQ(V) training has been successfully completed and the OV provided with their certification from the training provider the Agency will complete the authorisation process and send the successful Veterinary Surgeon the following:
    - OV Authorisation letter
    - a unique identifier number either at conditional authorisation (for the OCQ(V) - TT) or on authorisation (all other OCQ(V))
    - OV Stamp detailing the unique identifier number and Terms and Conditions of Use - for use only on official documents such as TB test charts and Export Health Certificates.

11. The training certificate issued by the training provider alone does not provide authorisation to act as an OV. Authorisation is granted by the Agency on issuance of the letter referred to in paragraph 10.

12. Veterinary Surgeons cannot and must not act as an OV until they have received their Authorisation letter and official stamp.

13. An OV must not sign or stamp any document in their capacity as an OV that has not been issued or approved by the Authority or Defra.

14. An OV authorisation is not a guarantee or representation by the Agency of the amount and nature of the work required to be performed as an OV.

15. The authorisation remains valid if the OV moves between practices until such authorisation expires or is suspended or revoked for some other reason. It is the responsibility of the OV to update their personal details on their training records held by the training provider when moving between practices.

16. When an OV with the OCQ(V) - TT is working as a locum they must notify the Agency OV Team of all practices that they work for so that their Sam record can be updated. The OV Team will need to add identifiers for each individual practice that the OV works for so that tests can be correctly assigned and the test results recorded.

17. Where an electronic signature is required to be affixed to an authorised document, the signature provided by the OV at the time of registration with the training provider and which is maintained on the personal training dashboard relating to that OV shall be used. Changes of name must be updated on the training record without delay.

18. The Agency will only supply critical materials such as OV stamps, tuberculin and DNA tags to OVs who are authorised for the relevant task. It is important to remember that the OV stamp is and remains, the property of APHA. APHA will instruct the destruction of any stamps if an OV is removed from the authorised list.

19. Once authorised the OV will be required to revalidate the training at the appropriate revalidation cycle in order to retain their authorisation.

# Revalidation

20. OV authorisation shall last for a specified period from the date of completion of the relevant OCQ(V) training. If the OV's revalidation is not completed before the expiry of that period, the authorisation will be suspended. The OV has the option to revalidate the qualification at any time during the six month period immediately following the deadline in order to have the authorisation reinstated.

21. Failure to complete the revalidation within the six months period following the deadline will result in expiry of the authorisation.

22. The training provider will notify the OV of the completion deadline for the revalidation and will send reminders, prior to the expiry date of each OCQ(V).

23. The OV may have their authorisation revalidated in the following circumstances without a break in their authorisation:

    - before the expiry of the authorisation period the OV may undertake the revalidation training and obtain a certificate confirming that retraining from the training provider
    - if this revalidation is completed within the specified window for revalidation the start date of the next period of the authorisation shall be the original revalidation deadline date
    - if revalidation takes place prior to that window, the start date of the new period of authorisation shall be from the date of the certificate of completion provided by the training provider
    - if revalidation takes place during the six month period of suspension, the start date of the new period of authorisation shall be from the date of the certificate of completion provided by the training provider.

24. Agency records shall be updated accordingly.

25. If the authorisation has been expired the OV will need to complete the full OCQ(V) training, including any required practical assessment or apply to the Agency for permission to revalidate outside of the deadline. The Agency retains the right to grant or refuse permission based on the reasons provided for the request.

26. It is a requirement to hold the relevant current OCQ(V)s in order to operate as an OV, therefore the OV's authorisation will expire with the expiration of the related OCQ(V)

and OVs will be unable to carry out OV work unless requalification is completed and authorisation is reinstated.

27. Authorisation as an OV for any area of work may require the OV to obtain more than one OCQ(V) qualification. Where this is a requirement, revalidation of all the required qualifications is necessary for the authorisation to continue. Failure to revalidate any of the required qualifications by the revalidation deadline will result in revocation of the authorisation.

28. If an OV is unsuccessful in obtaining revalidation, then there will be an opportunity to retake the revalidation qualification again on two occasions. Following three unsuccessful attempts it will be necessary to take the full qualification again in order to seek reauthorisation as an OV.

29. Spot check audits (internal verification) will be carried out by the training provider on behalf of APHA to ensure that the information being submitted at revalidation is correct and compliant. This will occur on an ongoing basis so it will not delay the revalidation process.

30. Failure to comply with revalidation requirements may result in suspension or revocation of the authorisation and depending on the circumstances, a formal investigation may be triggered.

# Revalidation of OCQ(V) - TT

31. On revalidation of the OCQ(V) - TT, OVs will also be asked to confirm that they have had a successful VDP, training provider or Agency audit in the revalidation interval. This confirmation is part of the declaration the OV completes to finalise their revalidation. OVs are not required to provide evidence of an audit to the training provider but should retain this information for the Agency who may request it at any time. Peer Review as detailed in paragraphs 32 to 36 will be accepted as an alternative to an audit for this purpose in instances where an audit has not been carried out in the revalidation interval.

# Peer Review for OCQ(V): TT

32. If an OCQ(V) - TT holder has not had an audit in the revalidation interval they will be able to request a Peer Review as an alternative, by nominating a Peer Reviewer.

33. The nominated Peer Reviewer must hold OCQ(V) - TT authorisation and have had a fully compliant APHA, VDP or training provider audit in the previous four years. The Peer Reviewer must complete an online training course followed by a declaration to sign, in which they will be accepting the role and confirming their eligibility.

34. On completion of the declaration a three month deadline will be given for completion of the Peer Review. If not completed by the deadline, the Peer Reviewer will be required to complete the training and declarations again for that OV.

35. The Peer Review report must be uploaded onto the OVs training record. This report will include a declaration that the reported findings are a true record.

36. The training provider will audit a minimum of 10% of Peer Review reports. APHA will monitor the TB testing performance of Peer Reviewers and review Peer Review reports as required.

# Supervision of Approved TB Testers (ATTs)

37. In England and Wales only OVs who are OCQ(V) - TT holders can act as Approved Veterinary Supervisors (AVSs) or deputy AVSs for Approved TB Testers (ATTs).

38. An OV must have had a fully compliant audit carried out by either a Veterinary Delivery Partner (VDP), the training provider or APHA in the two years preceding the date of acceptance of the AVS or deputy AVS role. The OCQ(V) - TT practical assessment is not valid for this purpose.

39. One AVS can supervise a maximum of two ATTs, but only one of whom can be in training at any time. A deputy AVS must also be nominated with the option for a second. The AVS will also be able to act as a deputy for other ATTs.

40. An OV can act as an AVS following completion of a declaration provided by the training provider when an ATT enrols for the ATT qualification and nominates the OV as an AVS.

41. An AVS must nominate a deputy AVS (with the option for nominating two) when completing the declaration. The primary AVS is responsible for ensuring that the deputy or deputies are aware of their responsibilities in the deputy role.

42. An AVS will be responsible for ensuring familiarity with and adherence to all the relevant requirements for the ATT Policy for authorisation. This information is set out in the Policy for APHA Authorisation of Approved Tuberculin Testers in England and Wales (TR541) which can be found in the OV instructions on the Government Gateway.

43. An AVS must notify the Agency without delay if any risk or issue is identified relating to the ATT under their supervision.

44. An AVS must meet the requirements as laid out for the role/function described in The Approved Veterinary Supervisor Role (TR540) which can be found in the OV instructions.

# Supervision of Approved Blood Samplers (ABSs)

45. In England and Wales only, OVs who are OCQ(V) - ES holders can act as Approved Veterinary Supervisors – Blood Sampling (AVS-BSs) or deputy ABSs for Approved Blood Samplers (ABSs).

46. An AVS-BS must meet the requirements as laid out for the role/function described in The Approved Veterinary Supervisor – Blood Sampling Role (OV71) which can be found in the OV instructions.

47. An OV can act as an AVS-BS following completion of a declaration provided by the training provider when an ABS enrols for the ABS qualification and nominates the OV as an AVS-BS.
48. Depending on the purpose of the blood sampling being carried out by the ABS, it may be necessary for the AVS-BS to be appointed as an inspector by the Agency under the relevant disease-specific legislation before they are able to supervise the ABS for that purpose. It is the responsibility of the AVS-BS to ensure that they are appointed where appropriate and have confirmation of that appointment from the Agency before supervising an ABS.

49. One AVS-BS can supervise a maximum of two ABSs, but only one of whom can be in training at any time. A deputy AVS-BS must also be nominated with the option for a second. The AVS-BS will also be able to act as a deputy for other ABSs.

50. An AVS-BS must nominate a deputy (with the option for nominating two) when completing the declaration. The primary AVS-BS is responsible for ensuring that the deputy or deputies are aware of their responsibilities in the deputy role.

51. An AVS-BS will be responsible for ensuring familiarity with and adherence to all the relevant requirements for the ABS Policy for authorisation. This information is set out in the Policy for APHA Authorisation of Approved Blood Samplers in England and Wales (OV69) which can be found in the OV instructions.

52. An AVS-BS must notify the Agency without delay if any risk or issue is identified relating to the ABS under their supervision.

# Performance of tasks

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

54. 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 GB.

55. OVs will have access to online OV instructions for many of the work areas. 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.

56. 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 provider who administers training on behalf of APHA. This is to ensure they maintain awareness of updates and changes to aspects of the work relevant to individual controls and receive notifications

relating to their training and authorisation status. OVs must therefore ensure that their contact details registered with the training provider are kept up to date.

57. OVs will be held personally and professionally responsible for all official tasks carried out by them and must personally sign all certificates and notices required and relating to those duties.

58. OVs maintain responsibility for the security of all information obtained in the course of the execution of their duties whether documentary, oral or pictorial, digital or printed. All such data is considered personal and commercially sensitive data and may not be disclosed unless authorised under applicable sections of the General Data Protection Regulations 2018 (“GDPR”). The unlawful disclosure of protected data shall be grounds for suspension or revocation of Authorisation.

59. 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.

60. An OV must not enter into any position whereby, in the reasonable opinion of APHA, there is or may be an actual conflict, or a potential conflict of interest, between the financial or personal interests of the OV and any person or business that the OV engages with in respect of the required duties carried out on behalf of APHA. This includes the certification for animals, animal products or other commodities:
    - owned by them or a close relative or partner
    - owned by a business or person where the OV has a financial interest or is an employee or
    - owned by a business or person responsible for a significant proportion of the OV income

61. Conflict of interest is not limited to the above and other situations may also be considered a conflict of interest.

62. In cases where there may be questions over conflict of interest, the OV must refer to APHA for further consideration and advice or ruling on the case. The RCVS may need to be consulted. There may be exceptions to this for veterinary surgeons working in research labs or educational institutions where access is limited.

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

# Assessment and Quality Assurance

64. Whilst OVs are carrying out their duties an assessment of proficiency and procedure must be carried out on the practice and the individual OVs working in the practice. Timings of these assessments are dependent upon the OCQ(V) held. In Scotland the OV practice is responsible for carrying out quality assurance on their OVs. In England and Wales APHA may carry out this assessment when visiting practices for other statutory reasons.

65. For OVs holding Export OCQ(V)s, the Centre for International Trade Carlisle (CITC) routinely monitors the quality of completed certification documents. Any issues found will be highlighted to the APHA OV Team. Major issues and repeated minor issues will be reported directly by CITC to the Veterinary Head of OV Regulatory Affairs and relevant Senior Veterinary Manager (Grade 6 or 7 Veterinary Surgeon) in the Field Delivery in England, Scotland or Wales as appropriate for consideration of any actions required including potential formal investigation.

66. The Agency will monitor the test results of all OCQ(V) holders carrying out TB testing for example in terms of the numbers of reactors, inconclusive reactors and reactions recorded. This will be assessed against the results of other TB testers carrying out similar tests. Further investigation, including targeted on-farm audit of testing may be triggered as a result of this monitoring.

67. All information on major and minor issues is copied to the APHA OV Team for filing purposes.

68. APHA Senior Veterinary Managers are responsible for OV work carried out in their Delivery Areas or countries, irrespective of where the OV's parent practice is situated. If there is a disciplinary matter involving an OV who has carried out work in one Delivery Area/Country but the parent practice is in a different Delivery Area/Country there will be liaison between both Senior Veterinary Managers.

69. OV practices will be assessed by APHA Veterinary Staff as resources allow. Practices which are deficient will be targeted to improve. In the absence of a willingness to improve, consideration should be given to the withdrawal of OV status from individuals in the practice following discussions with Agency's Veterinary Director.

70. If the member of APHA Veterinary staff has cause to believe the standards of the practice, or that of individual OVs, are less than satisfactory, then they should refer their findings to a Senior Veterinary Manager. The latter may decide that an accompanied visit needs to be made with one or more of the OVs whilst they are performing OV duties. If the standards at these accompanied visits are found not to have been met, then suspension of OV authorisation may be required.

71. An enhanced field audit programme of bovine tuberculosis skin testing carried out by OVs is also in place. As with other audit schemes these checks provide assurance that regulatory standards are being followed when delivering tuberculin testing in GB. Field audits will be carried out by APHA, the Veterinary Delivery Partners (VDPs) in England and Wales and also by the training provider.

72. OVs holding the OCQ(V) - TT are responsible for compliance with the requirements of TB testing and also for facilitating the required on-farm auditing of TB testing. This includes providing details of booked tests to enable audits to be arranged.

73. Failure to comply with TB audit requirements will result in written notification from the Agency of a four month deadline by which the audit must be completed. Failure of an OV to facilitate the audit within the deadline will result in suspension of the OCQ(V) - TT authorisation, other than in exceptional circumstances. During suspension no OV work under the relevant OCQ(V) work area can be carried out. An audit will be required before the authorisation can be fully re-instated. In these circumstances, temporary re-instatement of the authorisation will be permitted to allow an audit to be conducted.

74. Targeted TB test audit visits will also be carried out, to assess the testing performance of OVs, using a risk based approach. This will continue to inform the routine audit programme which is designed to assess all OVs over a designated period.

75. When non-compliances with instructions are disclosed at audits, corrective action will be taken in respect of the individual OV involved. Further details are available in the Tuberculin Skin Test Audit - Minimum Requirements (TR586). This document and more information on OV audit can be found in the OV instructions.

76. The Agency will carry out ad hoc analysis of OV's work such as looking at OV performance. This may be as a result of referrals or intelligence that standards are not being met such as:

    - Export certification errors identified by CIT Carlisle; or
    - Complaints or intelligence received by the Agency
    - TB paperwork or performance issues. This will include failure to notify APHA of test arranged date/time within given timescales

77. The Veterinary Head of OV Regulatory Affairs and appropriate Senior Veterinary Managers in England, Scotland or Wales will review this information and may apply local knowledge if appropriate to decide whether an individual OV or a practice needs to be approached for further action.

# Revocation of authorisation

78. The authorisation of an OV may be revoked for a number of reasons. These include, but are not limited to, where the OV:

    - is no longer a UK practising Member or Fellow of the Royal College of Veterinary Surgeons (MRCVS/FRCVS) for whatever reason (including suspension or removal from the RCVS register for disciplinary reasons, or for failure to pay fees). In certain limited circumstances, the authorisation may be suspended instead of revoked – see paragraph 84 below
    - is convicted of a criminal offence that renders them unfit to be an OV
    - no longer holds a valid certificate with respect to the OCQ(V) training as described in paragraphs 9 to 11 above
    - voluntarily requests their authorisation be revoked, giving one week's notice in writing to the Agency; or
    - is subject to the final decision of a review panel or appeal outcome of any investigation

79. If an OV has their authorisation revoked for any of the above reasons, the Agency will send notification by email to their registered email address or practice address giving full reasons for the action taken. The OV has a right of appeal against this decision as set out in the appeals section of this Policy Document.

80. If RCVS membership has been restored and the OV applies to be an OV again the case will be presented to a review panel to decide to what extent and under what conditions OV Authorisation should be restored. There are some exceptions to the need for a review panel: a review panel will not be needed in cases where

membership has been removed for non-payment of fees and then restored following payment; some standard procedures will be followed for cases where RCVS membership has been temporarily changed and is then reinstated and will not require a review panel decision.

81. The Agency will also terminate the Conditional Authorisation of any OV who was required to complete a practical assessment with satisfactory results within a specified time period and has not done so. This applies to OCQ(V) - TT and any other qualification developed which requires practical assessment.

82. It is the responsibility of the OV to inform their employer and where applicable, the VDP, if they are unable to carry out their duties due to revocation of their authorisation. APHA will not inform the employer or VDP of the revocation.

# Suspension of authorisation

83. The authorisation of an OV for any particular OCQ(V) will be suspended automatically if they do not complete the required revalidation by the deadline date – see paragraphs 20 to 22 above.

84. The authorisation of an OV may also be suspended, instead of revoked, when RCVS membership changes and the OV no longer meets the requirements set out in paragraph 8 above, for example if an OV moves to the non-practising register when they are on parental leave. The OV must notify the Agency of the change in advance.

85. Authorisation may be reinstated if the RCVS membership is reinstated to UK practising e.g. on return to work and providing the relevant qualification(s) is/are still valid. This will be subject to review following a request from the OV for reinstatement; it is not reinstated automatically. Authorisation will be revoked if the OV is removed from the RCVS register (see paragraph 78) or if the membership changes and the OV does not notify the Agency of the reasons in advance.

86. An OV can voluntarily suspend their authorisation at any time giving the Agency one week's notice of their intention to suspend. Notice must be provided in writing or by email to the APHA OV Team.

87. The Authorisation of an OV can be suspended as a precautionary measure at any time if the Veterinary Head of OV Regulatory Affairs or any Senior Veterinary Manager (not below Grade 6) in England, Scotland or Wales consider it necessary for the following reasons:

    - there is evidence to suggest that the OV may not be competent or may not perform their tasks to the required standards
    - the OV infringes or fails to comply with the conditions of authorisation
    - the OV is guilty of conduct which makes suspension of the authorisation desirable in the Agency's interest or in the public interest

    or

    - there is reasonable suspicion that the OV has acted in a way that makes precautionary suspension desirable.

88. Depending on the reason for the precautionary suspension, either one or more OV authorisations may be suspended. If an OV is authorised under a number of OCQ(V)s and allegations relate to only one OCQ(V), the Agency may consider a temporary precautionary suspension of the authorisation for that particular OCQ(V) pending further investigation. However, if the allegations are considered to be a risk to other OV work carried out and/or serious/repetitive and/or deliberate rather than inadvertent then the Agency may decide to suspend additional OCQ(V)s.

89. In exceptional cases, rather than suspend the authorisation for the reasons given in paragraph 87 above, the Agency may decide to allow the OV to continue with their authorisation but stipulate they must only carry out the role under the supervision of a named supervisor whilst the investigation is in progress.

90. When an OV's authorisation is suspended or conditions are applied as in paragraph 89 above, a Senior Veterinary Manager will be appointed to carry out and complete an investigation without unreasonable delay.

91. Precautionary suspension of an OV's authorisation will be initiated by the Veterinary Head of OV Regulatory Affairs or any Senior Veterinary Manager not below Grade 6 for England, Scotland or Wales and a letter of suspension will be sent to the OV concerned. The letter will either be sent by email or by recorded delivery. The letter will set out the grounds for the suspension and a date of commencement of the suspension. A copy of the letter will be sent to the Veterinary Head of OV Regulatory Affairs if it was not issued by them.

92. The letter will also remind the OV to stop all activities related to being an OV for the relevant tasks. Copies of all documents will be sent to the OV Team and Regulatory Affairs, Compliance and Enforcement (RACE) Team.

93. Where the Agency has cause for concern over the conduct of an OV but does not believe that there are grounds for suspension during the investigation, the OV may continue to provide OV services during the investigation.

94. The authorisation of an OV may also be suspended subject to the final decision of a review panel or appeal outcome of any investigation where the panel considers that:

    - the OV may not be competent or may not perform their tasks to the required standards
    - the OV has infringed or failed to comply with the conditions of authorisation
    - the OV is guilty of conduct which makes suspension of the authorisation desirable in the Agency's interest or in the public interest.

95. Suspension of authorisation following a review panel decision will usually be for a set period of time and reinstatement may be subject to other conditions being met.

96. It is the responsibility of the OV to inform their employer and where applicable, the VDP, if they are unable to carry out their duties due to suspension of their authorisation. APHA will not inform the employer or VDP of the suspension.

# Investigation

97. In England and Wales, where an OV carries out TB testing as part of the Veterinary Delivery Partnership (VDP), preliminary investigations into complaints or other intelligence may be carried out by the VDP. Depending on the seriousness of the matter to be investigated, APHA may conduct the investigation from the outset.

98. If the VDP investigation does not result in a satisfactory solution or indicates more serious concerns then APHA will conduct further investigation.

99. APHA Investigations pursuant to any allegation or circumstance shall be conducted in accordance with the following:

    - a sole investigator, who is a permanent employee of the Agency and a Grade 6 or Grade 7 Senior Veterinary Manager, will be appointed by the Veterinary Head of OV Regulatory Affairs or delegated Senior Veterinary Manager to carry out and complete an investigation without unreasonable delay
    - the Agency shall notify the OV in writing of the terms of the allegations. Such notification shall be sent to the OV's registered email address or by recorded delivery to their practice address. A written account may be requested from the OV
    - an investigation would normally include a meeting with the OV to enable them to present further evidence and explanation. However, in some cases the investigator may decide that this is not necessary. For example, in cases where the investigation concludes without doubt that the allegations cannot be upheld
    - the OV shall be given a minimum of 5 working days' notice of the interview, which will usually be undertaken remotely using APHA security compliant options or may be undertaken face to face
    - Interviews will be recorded and the recording will be retained for two years from either the date that the investigation outcome letter is sent to the OV or the outcome of an appeal letter is sent to the OV, or from the date that any RCVS referral is concluded, whichever is the latter. If RCVS cases reach disciplinary hearing, the two years will commence from the end of the appeal period following the conclusion of the case or following the conclusion of any appeal so launched. Recordings will be made available to the OV on request. Transcripts of the recordings will be retained for 10 years from the same start points
    - if the OV wishes, they may be accompanied by one person at any interview at their own expense. The OV must notify the investigator of the attendance and details of their companion no later than 72 hours before the appointed date of the interview
    - The OV may consult with their companion during the meeting. The companion does not have the right to answer questions on the OV's behalf, address the meeting if the OV does not wish it, or prevent the investigator from explaining the case
    - the Agency will treat all reports and other documents as confidential except that they may be shared with the RCVS and any other statutory body with a legitimate

interest where such disclosure is authorised under the relevant GDPR or other legislation or if criminal intent is evident

- if the allegation raises concerns over the validity of the OCQ(V) qualification then the training provider will be notified so that they can consider the status of the qualification that the OV has obtained.

100. In England and Wales, where an OV carries out TB testing as part of the Veterinary Delivery Partnership (VDP), a VDP may conduct their own investigation, either independently or as requested by APHA. The APHA investigator will use any report from such an investigation as part of the evidence and conduct any further investigations they deem necessary before providing a final report to the review panel.

101. The investigator may interview such parties as they consider fit and shall make every attempt to interview any persons suggested by the OV and considered to be relevant to the allegation made. Should the investigator fail to interview parties suggested by the OV they shall account for such failure in any report produced.

102. The OV shall co-operate with any reasonable request to assist the investigation, including the production of documents or attendance at an interview. Failure to comply with all such reasonable requests shall be included in the final report and may be considered as grounds for suspension or revocation of authorisation.

103. In cases where the investigation identifies, at any stage, evidence of non-compliance with instructions or with the standards in this policy or of alleged misconduct, a Senior Veterinary Manager (not below Grade 6), can suspend the OV's Authorisation before the investigation is complete, or require the OV to be under the supervision of a named supervisor until the review panel has come to its decision. In such cases the investigation will be completed and a review will be conducted without unreasonable delay on the part of the Agency.

104. If, at any point, the investigator uncovers further issues that fall outside of the allegations stated in the letter of notification or any updates thereof, consideration will be given as to whether additional allegations must be added. If so, the OV will be notified of the new allegations in writing as soon as possible.

105. The OV will be given a draft of the investigator's report, submitted in writing to their registered email address or by recorded delivery to their practice address, with an invitation to review the document and to correct any factual errors or to make any relevant comments. The OV will have 14 days to do this and will be expected to respond by email to the person appointed to receive such communication. The Agency may grant extra time to the OV to review the report if there is reasonable justification provided that request is received in writing before the expiry of the 14 day period.

106. The investigator may decide that there is insufficient evidence to substantiate the alleged misconduct and recommend to the Veterinary Head of OV Regulatory Affairs or other Senior Veterinary Manager that the case is closed. If the Veterinary Head of OV Regulatory Affairs/Senior Veterinary Manager agrees, either they or the investigator will write to the OV informing them of this.

107. The final report shall be forwarded to a review panel, other than where the case is closed as in paragraph 106.

# Decision of the Review Panel

108. A review panel will be appointed by the Veterinary Head of OV Regulatory Affairs or delegated Senior Veterinary Manager comprising two members, at least one of whom shall be an Agency MRCVS of Grade 6 and the other an official permanently employed by the Agency at a suitable level of seniority (Grade SEO or above). The investigator will not be a member of the review panel.

109. A member of the review panel will invite the OV to a review panel meeting, which will usually be carried out remotely but may be carried out face to face. The OV will be given at least five working days' notice of the date of the meeting. The OV will be invited to make representations and given the opportunity to present any relevant mitigating factors. No expenses will be payable to the OV for attendance at this meeting.

110. The OV may be accompanied by one person of their choice at the review panel meeting but the cost of their companion attending the meeting will be at their expense. The OV must notify the member of the review panel who invited them to the meeting, that they will be accompanied, providing details of the companion, no later than 72 hours before the appointed date of the meeting.

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

- no further action required
- reinstatement of authorisation if suspended
- written advice given to the OV
- requirement for an improvement/action plan to be provided by the OV
- retraining at the OV's expense
- suspension or revocation of authorisation with respect to one or more OCQ(V)s
- removal of authorisation for one or more OCQ(V)s. The panel will also set a period (maximum five years) before the OV can re-apply for authorisation
- referral to the RCVS where there are grounds for concerns as to professional conduct
- additional conditions such as working under the supervision of a named OV for a specified period of time
- 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
- referral to Defra, a Local Authority or to the police for investigation if there is evidence that an offence may have been committed

- any other action that the Agency considers necessary

112. 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. Any records from the previous 10 years will be reviewed, including the outcomes of RCVS investigations. Professional misconduct, or intentional or repeated non-compliance with OV procedures would justify a long period of suspension or revocation of authorisation.

113. If the review panel finds that it is necessary to remove 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 removed for five years from the date of the decision.

114. The review panel will normally make a decision and report the findings and decision to the OV in a letter sent to their personal email address or by recorded delivery to their practice address within five working days of the review panel meeting.

115. Copies of all the review panel documents will be sent to the APHA OV Team, Veterinary Head of OV regulatory Affairs, Veterinary Director and RACE Team.

116. A copy of the letter detailing the decision will also be sent to the investigator of the case, the regional senior veterinary lead (G6 or above) in the region in which the OV is registered as working, and if relevant the Veterinary Head of International Trade. This will only be sent once the period of appeal as detailed in paragraphs 123 to 127 has passed and no appeal has been raised. If an appeal is raised, they will not be notified until the appeal has been decided.

117. An APHA Governance Board will review all cases at least annually.

118. Where the OV has been referred to the RCVS as a cause for concern, copies of the documents produced throughout the investigation along with any other relevant material will be shared with the RCVS.

119. In the event that authorisation is suspended or revoked and the allegation raises concerns over the validity of the OCQ(V) qualification then the training provider will be notified so that they can consider the status of the qualification that the OV has obtained.

120. In the event that a test e.g. tuberculin skin test, is deemed to be invalid at any point during the investigation and that test was instructed by APHA to a Veterinary Delivery Partner (VDP), APHA will notify the VDP that the test is invalid.

121. It is the responsibility of the OV to inform their employer and where applicable, the VDP, if they are unable to carry out their duties either during or following the outcome of the investigation.

122. APHA will not inform the employer or VDP of the outcome of the case other than as detailed in paragraph 120.

# Appeals

123. Appeals are permitted on the following grounds:

- if procedural errors are suspected
- if new information/evidence is presented that may change the outcome of the original decision

124. Appeals to the final decision of the review panel shall be conducted as follows:

- the appeal must be in writing and addressed to the Agency's Veterinary Director and sent by either email or by letter to the following address:
  APHA Corporate Correspondence@apha.gov.uk

  **or**

  Corporate Correspondence
  APHA Weybridge
  Woodham Lane
  New Haw
  Addlestone
  Surrey
  KT15 3NB

- it must be received within 28 days of the date of the review panel's written communication detailing their findings and the outcome and
- it must set out the grounds of appeal

125. The Veterinary Director may within 28 days decide the appeal or on receipt of the appeal immediately appoint a Senior Veterinary Manager (not below Grade 6) who has not previously been involved in the case to decide the appeal on their behalf. The appointed person will have 28 days to decide the appeal.

126. If the OVs authorisation has been suspended or revoked then this will continue during the 28 day period allowed for lodging an appeal and while the appeal is being considered.

127. The decision of the Veterinary Director, or the person appointed by them, is final.

# Restoration of authorisation

128. If authorisation as an OV has been lost due to the expiry of an OCQ(V), which has not been revalidated on time as outlined in paragraphs 20 to 30 then full retraining, including the practical assessment for OCQ(V) - TT, will be required. Only after successful completion of retraining shall the OV be re-authorised. The OV can apply to the Agency for permission to revalidate outside of the deadline. The Agency retains the right to grant or refuse permission based on the reasons provided for the request.

129. If authorisation was suspended during an investigation and the outcome of the investigation was favourable then authorisation will be restored to the extent that the OCQ(V)s affected are still valid. For the avoidance of doubt there will be no extension of the Authorisation period.

130. When an OV has had their authorisation removed as a result of an investigation and a review panel decides that they can reapply for their authorisations at the end of the period set (maximum five years), their application for re-authorisation has to be reviewed and approved by the Veterinary Director who will consider if following the period of removal they are now fit to be an OV.

131. If the review panel decides that there is no case to answer then their OCQ(V) will be reinstated automatically without referral to the Veterinary Director.

132. When the OV has had their authorisation removed as a result of suspension of RCVS membership, the OV may apply for reinstatement of OV authorisation if their RCVS membership is restored. This will be dealt with according to paragraph 80 above.

# Cessation of appointments

## Resignation

133. If an OV resigns from an OV Authorisation a written or email confirmation must be sent to the Agency. If the OV decides to resume OV work, completion of all relevant OCQ(V)s or re-validation will be required.

## Retirement

134. If an OV intends to retire and no further work is to be carried out on behalf of the Agency they must provide written or email notification to the Agency and indicate on their training record that they do not wish to revalidate the qualification.

## Death of OV during appointment

135. Upon notification from an OV Practice that an OV has died the Agency will:

- update the training provider and Agency IT system with the details and
- request that the Official Stamp is returned or seek assurance that it has been destroyed.

Data Protection:
For information on how we handle personal data visit www.gov.uk and search Animal and Plant Health Agency Personal Information Charter.

APHA is an Executive Agency of the Department for Environment, Food and Rural Affairs and also works on behalf of the Scottish Government, Welsh Government and Food Standards Agency to safeguard animal and plant health for the benefit of people, the environment and the economy.