



# FACTSHEET: COMPLAINTS ABOUT A VETERINARY PRACTITIONER'S PROFESSIONAL CONDUCT

## VETBOARD VICTORIA FACTSHEET

The purpose of the Veterinary Practitioners Registration Board of Victoria ("Vetboard Victoria") is to protect the health and safety of the public and the health and welfare of animals. One way we do this is by receiving and assessing information about the professional conduct of veterinary practitioners ("vets").

Any person can make a complaint about a registered vet's professional conduct. We assess the information provided by a complainant to identify whether a vet's professional conduct may be considered "unprofessional". Generally, this means where a vet's professional conduct does not meet the standard of their peers (other vets) and the standard the public might reasonably expect them to meet. We explain below in more detail what may amount to "unprofessional conduct".

**Unprofessional conduct** is given meaning in section 3 of the *Veterinary Practice Act 1997*. It may mean all or any of the following conduct by a registered veterinary practitioner:

- conduct of a lesser standard than that which the public or other veterinary practitioners might reasonably expect of a registered veterinary practitioner
- professional misconduct or infamous conduct in a professional respect
- providing veterinary services of a kind that are excessive, unnecessary or not reasonably required for the animal's well-being
- a finding of guilt of an indictable offence, a breach of the Act or other law relating to veterinary practitioners or an offence which makes the veterinary practitioner unfit to be registered
- influencing or attempting to influence the conduct of a veterinary practice in such a way that an animal's well-being may be compromised
- the contravention of or failure to comply with a condition, limitation or restriction on the registration of a veterinary practitioner without reasonable excuse
- failure to comply with the Board's Guidelines without reasonable excuse.

If it seems a vet may not have met expected standards, our goal is to make sure they make all necessary changes and improvements to their veterinary practice so they meet these standards in the future. Our role is not to penalise or punish a vet – our role is to prevent or mitigate against a recurrence of conduct which is below appropriate standards of conduct.

We have a range of actions that we can take to make sure a vet is able to change and improve their practice, including:

- providing guidance and education
- encouraging vets to voluntarily alter or modify their practice
- conducting a preliminary investigation into the vet's professional conduct where necessary
- entering into agreements and undertakings with vets to alter or modify their practice
- holding a hearing into a vet's professional conduct (where other responses are not appropriate)
- in cases where there may be a serious risk to the health and safety of the public or the health and welfare of animals, suspending a vet's registration while we investigate.

Sometimes we engage with a vet about an aspect of their professional conduct that may not meet the legislative definition of unprofessional conduct but where a timely change or improvement to their practice may prevent future complaints being made about them. In this case, we would provide guidance and education to the vet to encourage change and improvement.

It is important to note that Vetboard Victoria does not have the power to:

- receive complaints about persons who are not vets (for example, veterinary nurses, clinic administration officers, lay practice managers). However, we may raise concerns with employers, clinic owners and managers for their attention and action as appropriate.
- deal with complaints about veterinary fees and charges
- award compensation or demand a refund from a vet or veterinary practice on a complainant's behalf
- answer questions about an animal's condition or give veterinary advice about treating an animal.

## AFTER WE RECEIVE A COMPLAINT

After we receive a complaint about a vet, we make an assessment to determine whether:

- **more information is required** – sometimes we require more information from a complainant to clarify or support the information already provided. We may also require further information from the vet or clinic/practice (e.g. veterinary medical records). We will use this additional information to help us assess the vet's conduct and to inform our response. A copy of the information provided to us will generally be provided to the vet at this time.
- **no action will be taken** – see the next section for more information
- **the concerns that have been raised may be voluntarily addressed** – in some cases, it may be possible to address concerns about a vet's professional conduct without investigating (for example, where the vet has taken (or is willing to take) adequate steps to prevent the conduct from happening again or where a warning or education from us will be sufficient to improve the vet's practice)
- **preliminary investigation is necessary** – in other cases, we may decide it is appropriate to conduct a preliminary investigation
- **urgent action is required** – if there is potentially a serious risk to the health and safety of the public or animals, we may decide it is appropriate to restrict the vet's practice or suspend their registration until an investigation is completed

## WHERE WE WILL NOT TAKE ACTION

We will not conduct a preliminary investigation into a complaint that is lacking in substance or appears to be vexatious. A complaint may be lacking in substance where the risk of harm arising from the alleged conduct is negligible, where the concerns raised are not about the vet's professional conduct, or where the alleged conduct (if proven) would not amount to unprofessional conduct.

We may also decide that the vet has already taken adequate steps to prevent the conduct from happening again and that further action by us to achieve change or improvement to their practice is not required.

The members of Vetboard Victoria's board (comprised of six vets, a lawyer and two community representatives) make the decision about what will happen with a complaint.

The complainant will be notified in writing of this decision.

## PRELIMINARY INVESTIGATIONS

If we decide to conduct a preliminary investigation, this will be conducted by our investigation team. The investigators will gather all relevant and available information from the complainant, the vet and from any other witnesses or sources as necessary. For example:

- from the complainant: a written statement about the complaint, photographs, other documentation
- from witnesses: written statements about the complaint, veterinary records, other documentation

- from the vet: their response to the complaint, clinical records, test results and other documentation.

We may also obtain peer or expert opinions.

It may take up to **eight months** for the preliminary investigation to be finalised - possibly longer if the matter is complex. We must give priority to investigations where there may be a serious risk to the health and safety of the public and health and welfare of animals. This may also impact the time it takes for us to conduct the preliminary investigation.

After the preliminary investigation is completed, the investigation team will make a recommendation about the outcome of the investigation to Vetboard Victoria's board. The board will decide whether or not to act on the recommendations of the investigator conducting the preliminary investigation. The possible outcomes include:

- the investigation into the matter does not proceed further
- the vet be given guidance, counselling and/or education about their professional conduct and acceptable standards of practice
- the vet be warned and/or monitored to ensure they improve their practice
- the vet undertake or agree to alter or modify their practice
- a hearing be held into the vet's professional conduct (where other outcomes are not appropriate)

The vet and the complainant will be notified in writing of the board's decision.

More information about preliminary investigations can be found at sections 20 to 24 of the [Veterinary Practice Act 1997](#)

## VICTORIAN OMBUDSMAN

If the complainant is not satisfied with the outcome of Vetboard Victoria process, they can raise their concerns with the Victorian Ombudsman by:

- completing an online complaint form at [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au), or
- calling (03) 9613 6222 or 1800 806 314 (regional areas).

More information about the role of the Victorian Ombudsman: [www.ombudsman.vic.gov.au/About/The-Victorian-Ombudsman](http://www.ombudsman.vic.gov.au/About/The-Victorian-Ombudsman)

## PERSONAL INFORMATION

The information in complaints and the information obtained by Vetboard Victoria about or relating to the professional conduct of vets is subject to the *Freedom of Information Act 1982* and the *Privacy and Data Protection Act 2014 (Vic)*.

We will only use and disclose personal information about a complainant and vet for the purposes of, or in connection with, the performance of our functions under the *Veterinary Practice Act 1997*, or where required by law. The consent of the person to whom the information relates will be sought if we wish to use or disclose personal information for other purposes.

More information: Privacy and Data Protection policy [www.vetboard.vic.gov.au](http://www.vetboard.vic.gov.au) (search for 'privacy') or request a copy by calling us on +61 3 9620 7444.