

# REGISTRATION AND PROFESSIONAL CONDUCT OF REGISTERED ANIMAL MEDICINES ADVISORS (RAMAs)<sup>1</sup>

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## INTRODUCTION

1. Under the terms of the Constitutional Framework required by its Memorandum and Articles of Association AMTRA has approved the following procedures covering the initial registration and professional conduct of Registered Animal Medicines Advisors (RAMAs / SQPs). To the extent that they relate to consideration by AMTRA of findings of academic misconduct by candidates seeking to become AMTRA qualified, and to appeals by candidates against a decision to deny registration, these procedures also include candidates within their scope. The procedures may be modified as found necessary from time to time and where that occurs this document will be updated to reflect the procedures currently in operation.
2. These are designed to meet the terms of the Secretary of State's approval of AMTRA as a recognised body for registration of SQPs under The Veterinary Medicines Regulations and to institute formal systems for dealing with:
  - a. the initial approval of registration of a person academically qualified to be considered to be an AMTRA RAMA;
  - b. any situation where the initial registration of a RAMA is denied, and the person makes an appeal;
  - c. a transgression by an AMTRA RAMA (including a breach in the Code of Practice) which could trigger disciplinary action on the part of AMTRA and which, in the ultimate, might warrant the removal of the person from the AMTRA register because they were no longer a fit and proper person to be registered;
  - d. any situation where proposed action on the part of AMTRA, up to and including removal from the register, leads to the person making an appeal.
3. Responsibility for matters relating to breaches of professional discipline and other transgressions rests with the AMTRA Board and with any sub-committees it may constitute to act on its behalf. However, there is an additional, independent procedure to deal with appeal cases.
4. In all cases where a Board member or an assessor has a direct or personal relationship with any individual being considered under the procedures in this document, that Board member or assessor shall take no part in the discussions at a Board meeting and may be asked at the discretion of the chair of the meeting to withdraw, and shall not be appointed to any sub-committee established under these procedures. All Board members and assessors shall declare any direct or personal relationship at the start of any consideration or investigation, and shall notify the Chief Executive without delay should the situation change.

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<sup>1</sup> RAMA is the term used by AMTRA to refer to those persons described as Suitably Qualified Persons (SQPs) in the Veterinary Medicines Regulations

## **OVERVIEW OF THE PROCEDURES**

5. An overview of the relevant stages in the registration and disciplinary procedures is described in detail in the following paragraphs.

## **INITIAL REGISTRATION**

6. The AMTRA Board shall establish a list of qualifications which are deemed a suitable academic basis for being an AMTRA RAMA, and shall review that list from time to time. Candidates who have gained such a qualification may additionally be assessed by an AMTRA Assessor who will make a recommendation as to whether the candidate should be registered or should not be entered into the AMTRA register. This will be based on a written set of procedures and instructions to Assessors.
7. The Board may determine that some academic qualifications do not require a viva as the additional basis for inclusion on the AMTRA Register.
8. Where registration is not recommended the reasons shall be provided to the candidate in writing in support of the recommendation.
9. If the Assessor's recommendation is positive, or if the Assessor's recommendation is "For review" and Harper Adams University recommends to AMTRA that the candidate be registered, or the academic qualifications of this candidate include one described in paragraph 7, the Chief Executive shall include the candidate on the current AMTRA Register unless procedures initiated by paragraph 21 are in progress, in which case the Chief Executive should not include the candidate on the Register until conclusion of those procedures.
10. In other cases, the Chief Executive shall deny registration citing the reasons for AMTRA's decision.

## **TRANSFER FROM ANOTHER SQP REGISTER**

11. Where a candidate seeks to join the AMTRA Register from the Register of another body appointed by the Secretary of State to hold an SQP Register, AMTRA shall seek from the other registration body such information as may be appropriate including the CPD status of the candidate and information on any professional standards cases concluded or in progress. Registration of any candidate where a professional standards case is in progress shall be denied.
12. Such candidates must undertake an assessment by an AMTRA assessor unless paragraph 7 applies. The procedure for admittance of such candidates will be consistent with paragraphs 6 to 9. Where paragraph 9 would require the AMTRA Chief Executive to admit the candidate, the Chief Executive shall admit the candidate provided that their academic qualifications are on the list established by the AMTRA Board and that their registration status with the other registration body is up to date and that no professional standards cases are in progress, and may impose such CPD conditions on such candidates as may seem reasonable.

## **DENIAL OF REGISTRATION**

13. Where registration is denied under paragraph 10 or 11, the candidate will have a right of appeal in writing and in person to the AMTRA Board, to present any additional information or extenuating circumstances that should be taken into account. Such appeals shall be considered by a specially constituted sub-committee of the AMTRA Board, constituted and acting as described in paragraph 21. The sub-committee shall recommend to the AMTRA Board one of the following options:

- a. to register the candidate
  - b. to deny registration citing the reasons for AMTRA's decision
  - c. to deny registration citing the reasons for AMTRA's decision and recommendation a compliance or condition, fulfilment of which would allow registration to be reconsidered.
14. In the case of an appeal not resulting in a decision to register the candidate, the candidate may invoke the independent appeals procedure, the operation of which is set out in Paragraphs 31 to 38. In its final decision AMTRA will be bound to accept the decision of the independent appeals procedure.
15. Under circumstances of a person's appeal to the Board, the Board's procedures for dealing with the appeal and the outcome of the Board's deliberations on the matter will be communicated in writing to the appellant.

#### **TRANSGRESSION BY AN AMTRA RAMA OR CANDIDATE (THE "NAMED PERSON")**

16. When the AMTRA Chief Executive is advised in writing of an actual, supposed or claimed transgression by an AMTRA RAMA or candidate which might constitute a breach of professional standards or contravene the Code of Practice, the Chief Executive will acknowledge the complaint and forward the communication and any other relevant information to the Professional Standards Committee to decide what action to take, and will formally write to the Named Person notifying them that AMTRA is considering a disciplinary case against them.
17. If AMTRA is advised by another SQP registration body that a person now on the AMTRA Register who was or is on the register of that other body has been found to have transgressed with an outcome of temporary or permanent removal from the register, the Chief Executive shall without delay implement that finding in respect of the AMTRA Register, and shall inform the person concerned.
18. AMTRA has a Memorandum of Understanding with the Veterinary Medicines Directorate setting out the way that the two organisations will deal with transgressions that are identified by VMD arising from its inspections of premises or other regulatory activities. A report in writing from VMD which clearly identifies an individual RAMA or individual RAMAs shall be forwarded to the Professional Standards Committee as per paragraph 16.
19. If AMTRA is advised by Harper Adams University that a qualified AMTRA RAMA seeking to take another AMTRA qualification module has been found guilty of academic misconduct, that communication shall be forwarded to the Professional Standards Committee as per paragraph 16.
20. If AMTRA is advised by Harper Adams University that a candidate AMTRA RAMA has been found guilty of academic misconduct, that communication shall be forwarded to the Professional Standards Committee as per paragraph 16. In such circumstances, the AMTRA Chief Executive shall not include the person on the AMTRA Register until the conclusion of the procedures initiated under paragraph 21.
21. The Professional Standards Committee shall consist of four or five people including a RAMA and two Board members including and chaired by the AMTRA Vice-Chair or another Board member appointed to serve on the sub-committee in their stead. This Committee will, as necessary, gather and consider written and/or oral evidence, including written and oral evidence from the Named Person, on matters related to the disciplinary case or any related matter. In circumstances where there is more than one case being considered, the Board may establish more than one instance of the

committee whose members may be the same or differ from a pre-existing committee considering another case or cases. The AMTRA Chief Executive shall act as secretary to the committee and shall be entitled to attend its meetings or to nominate someone to attend in their place. The quorum for a meeting of the committee shall be one fewer than the number of members appointed by the Board. A meeting of the committee may take place by teleconference or the like.

22. On the basis of the evidence gathered the committee will provide a written report to the AMTRA Board giving the background to the case, a brief summary of the evidence and a recommendation for action.
23. The recommendation will normally be for one of the following courses of action:
  - a. the case should be dismissed as unsubstantiated or unproven;
  - b. a professional transgression has been committed which warrants a letter of rebuke, advice or guidance;
  - c. a professional transgression has been committed which warrants a letter of warning or severe warning;
  - d. a professional transgression has been committed which warrants a temporary removal from the AMTRA Register for a fixed period, or until some compliance provision has been met, or both;
  - e. a professional transgression has been committed which warrants permanent removal from the register.

A recommendation of category a. or c. to e. may include a recommendation that advice or guidance be given to the Named Person.

Where the Named Person is not yet a qualified RAMA, a recommendation of category d. or e. may take the form of a temporary delay to inclusion on the AMTRA Register, or a permanent removal of the possibility of future inclusion.

24. When the Board has received and considered a recommendation under paragraph 23 it will communicate the Board's proposed course of action to the Named Person in writing.
25. In the event of removal under paragraph 16 or a recommendation in category b. to e. in paragraph 23, the Named Person will have a right of written or verbal appeal to the full AMTRA Board in order to present any substantive new evidence or additional information that has not already been considered but which the Named Person considers should be taken into account.
26. In the case of an appeal not altering the decision of AMTRA, the candidate may invoke the independent appeals procedure, the operation of which is set out in Paragraphs 31 to 38. In its final decision AMTRA will be bound to accept the decision of the independent appeals procedure. The Board's decision and the Named Person's potential courses of action will be communicated in writing to the Named Person.
27. AMTRA will make reasonable efforts to communicate details of the action taken with any employer of an Named Person against whom any action has been taken. Such communication shall be at the conclusion of all processes including any appeals.
28. AMTRA may advise VMD of cases in progress, and will always advise VMD at the conclusion of any case when a professional transgression is ruled to have taken place.

29. At the conclusion of any case where a professional transgression is ruled to have taken place, AMTRA shall publish its findings including the name of the Named Person. Such communication shall be at the conclusion of all processes including any appeals.
30. AMTRA may periodically communicate “lessons learned” from cases to the wider community. Such communication may include cases where no transgression but in respect of such cases the name of the individual shall not be published.

## **INDEPENDENT APPEALS PROCEDURE**

31. The following independent procedure will apply where AMTRA intends to refuse to register anyone with the appropriate qualifications or intends to remove anyone from the AMTRA Register other than for non payment of the prescribed annual and/or reinstatement fee or for non-compliance with AMTRA’s CPD requirements.
32. AMTRA will give the person concerned notice in writing with reasons (“the Notice”) of its intention to refuse to register or its intention to remove a person from the Register.
33. If the person receiving the Notice (“the Named Person”) wishes to object, the Named Person must within 21 days of receipt of the Notice, make written Representations with reasons (“the Representations”) to AMTRA and pay AMTRA an appeal fee of £ 50.00 (“the Appeal Fee”).
34. In the absence of such Representations or payment of the Appeal Fee, the Named Person will not be entered on the Register or will be removed from the Register, as the case may be, and in the latter case AMTRA will notify the Veterinary Medicine Directorate (“the VMD”) accordingly.
35. Where Representations and the Appeal Fee are received by AMTRA (within the time specified in paragraph 33 (above) AMTRA will within 14 days of their receipt, refer the Notice, the Representations and any response AMTRA wishes to make (which AMTRA will copy to the Named Person), for independent determination by an Independent Adjudicator (“the Adjudicator”) whose decision shall be final.
36. The Adjudicator will make a determination on the basis of the documents referred to in paragraph 33 and 35 above alone within 28 days of their receipt, and there will be no oral hearing. The Named Person bears the burden of proof on the balance of probabilities.
37. The Adjudicator may:
  - a. Allow the appeal and direct AMTRA to proceed to register the Named Person or not remove the Named Person from the Register, as the case may be. An appeal may be allowed if the adjudicator finds that AMTRA’s notice was wrong in law or wrong in fact. Appeals that the notice was wrong in law may only be made on grounds applicable to Judicial Review. If the notice involved an error of fact which was not material to the outcome the appeal shall not be allowed.
  - b. Dismiss the appeal.
38. If the appeal is allowed the Adjudicator will direct AMTRA to refund the appeal fee.