

REGISTRATION AND PROFESSIONAL CONDUCT OF SUITABLY QUALIFIED PERSONS

AMTRA document CF1, version 7, September 2016

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 Suitably Qualified Persons (SQPs). 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 SQP;
 - b. any situation where the initial registration of an SQP is denied, and the person makes an appeal;
 - c. a transgression by a registered SQP (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 or 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 chairman 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 Secretary General without delay should the situation change.

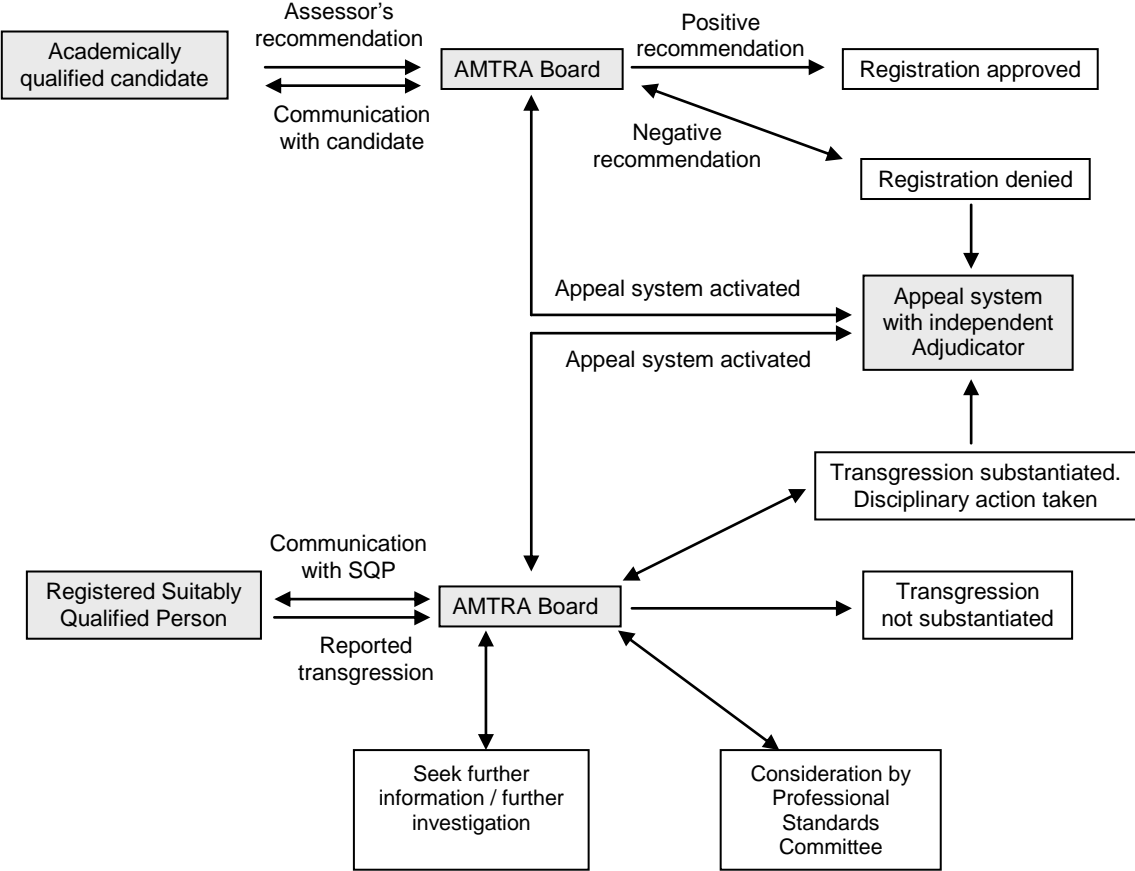
OVERVIEW OF THE PROCEDURES

5. An overview of the relevant stages in the registration and disciplinary procedures is presented schematically in Figure 1, and is described in detail in the following paragraphs.

INITIAL REGISTRATION

- 6. Candidates who have completed an SQP examination or who may otherwise be deemed academically qualified by AMTRA will 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. Where registration is not recommended the reasons shall be provided to the candidate in writing in support of the recommendation.

Figure 1. The system for dealing with initial registrations of SQPs and with reported transgressions by registered SQPs.



- 8. 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, the Secretary General shall include the candidate on the current SQP register.
- 9. In other cases, the Secretary General shall deny registration citing the reasons for AMTRA’s decision.
- 10. Where registration is denied under paragraph 9, 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, consisting of three people including an assessor not previously involved in the

assessment of the individual and two Board members including and Chaired by the Vice-Chairman, or another Board member appointed to serve on the sub-committee in their stead. 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.
11. 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 26 to 33. In its final decision AMTRA will be bound to accept the decision of the independent appeals procedure.
 12. 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 A REGISTERED SQP

13. When the AMTRA Secretary General is advised in writing of an actual, supposed or claimed transgression by an SQP which might constitute a breach of professional standards or contravene the Code of Practice, the Secretary General will acknowledge the complaint and forward the communication and any other relevant information to the Board to decide what action to take.
14. 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 SQP or individual SQPs will be treated under paragraph 16 as though the Board has established that there is a case to be answered without the need to refer it to the Board.
15. The AMTRA Board's actions will normally comprise one of three decisions:
 - a. the information available is insubstantial or contentious and provides no basis for the Board taking the matter further;
 - b. the information is insufficient for the Board to act but sufficient to warrant the Board to request additional information and/or further investigation;
 - c. the information is sufficient for the Board to establish that there is a case to be answered and it should institute a disciplinary process.
16. In the case of c in paragraph 15, the Board will formally write to the SQP notifying them of the Board's decision to consider a disciplinary case against them.
17. At this point, the Board will establish a specially constituted sub-committee (known as the Professional Standards Committee) consisting of four or five people including an Assessor, an SQP, and two Board members including and Chaired by the AMTRA Vice-Chairman or another Board member appointed to serve on the sub-committee in his stead. This sub-committee will, as necessary, gather and consider written and/or oral evidence, including written and oral evidence from the SQP, 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 sub-committee whose members may be the same or differ from a pre-existing sub-committee considering another case or cases. The AMTRA Secretary General shall act as secretary to the sub-committee and shall be entitled to attend its meetings or to nominate someone to attend in his place. The quorum for a meeting of the sub-committee shall be one fewer than the number of members appointed by the Board. A meeting of the sub-committee may take place by teleconference or the like.

18. On the basis of the evidence gathered the sub-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.
19. 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 SQP 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 SQP.

20. When the Board has received and considered a recommendation under paragraph 18 it will communicate the Board's proposed course of action to the SQP in writing.
21. In the event of a recommendation in category b. to e. in paragraph 19, the SQP 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 SQP considers should be taken into account.
22. 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 27 to 34. In its final decision AMTRA will be bound to accept the decision of the independent appeals procedure. The Board's decision and the SQP's potential courses of action will be communicated in writing to the SQP.
23. AMTRA will make reasonable efforts to communicate details of the action taken with any employer of an SQP against whom any action has been taken. Such communication shall be at the conclusion of all processes including any appeals.
24. 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.
25. 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 SQP. Such communication shall be at the conclusion of all processes including any appeals.

26. 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

27. 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 Register of SQPs (“the Register”) other than for non payment of the prescribed annual and/or reinstatement fee.
28. 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.
29. If the person receiving the Notice (“the SQP”) wishes to object, the SQP 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”).
30. In the absence of such Representations or payment of the Appeal Fee, the SQP will not be entered on the Register or will be removed from the Register, as the case may be, and AMTRA will notify the Veterinary Medicine Directorate (“the VMD”) accordingly.
31. Where Representations and the Appeal Fee are received by AMTRA (within the time specified in paragraph 29 (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 SQP), for independent determination by an Independent Adjudicator (“the Adjudicator”) whose decision shall be final.
32. The Adjudicator will make a determination on the basis of the documents referred to in paragraph 29 and 31 above alone within 28 days of their receipt, and there will be no oral hearing. The SQP bears the burden of proof on the balance of probabilities.
33. The Adjudicator may:
 - a. Allow the appeal and direct AMTRA to proceed to register the SQP or not remove the SQP 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.
34. If the appeal is allowed the Adjudicator will direct AMTRA to refund the appeal fee.