

## Consultation response

### Which? response to Defra's consultation on vet regulatory reform

Which? welcomes the Department for Environment, Food and Rural Affairs (Defra's) consultation on reform of veterinary regulation. The [Veterinary Surgeons Act 1966](#) is vastly outdated and no longer an appropriate framework for regulation of the modern veterinary market. This document sets out our contributions to the questions set out in [Defra's consultation](#) on the matter. We have responded to all questions where we can add expertise as a consumer advocate, with a combination of multiple choice and written answers.

### Licence to practice questions

We have not responded to the licence to practise questions since they are best answered by experts in veterinary care and we do not have expertise to contribute here.

### Fitness to practice questions

#### **F2PQ1: To what extent do you agree, or disagree, that the proposed overall Fitness to Practise process is appropriate?**

Strongly agree

We agree with the introduction of a Fitness to Practice process such as that set out in the consultation. We believe it represents a significant upgrade on the current disciplinary process and is more likely to ensure high standards of conduct and competence. This would in turn increase consumer confidence in the profession. The range of factors that might represent a current impairment seem reasonable, and the fitness to practice process looks sufficiently robust, but proportionate.

#### **F2PQ2: Thinking about someone in the veterinary team who is found to have a current impairment. Which, if any, of the following sanctions should be considered at the tribunal stage?**

Multiple choice options selected:

- Undertakings (a formal promise regarding the actions that the professional has to do (or what they have to stop doing) for example undergoing a course of professional development)

- Conditions on their licence (such as not to carry out specific work, or to work under supervision)
- Suspension of their licence
- Removal of their licence

**F2PQ3. If a veterinary professional had their licence to practise removed by the regulator, how long do you think the minimum period should be before allowing them to apply for their licence to be restored, if at all.**

Answer option selected: Depends on the reason for removal

## **Veterinary and animal healthcare business questions**

**BusQ1. Which, if any, of the following Veterinary/Animal Healthcare businesses should be regulated under proposed new legislation?**

Multiple choice options selected:

- All veterinary/Animal Healthcare Businesses
- Veterinary/Animal Healthcare Businesses with physical location
- Veterinary/Animal Healthcare Businesses with an online presence only
- Veterinary/Animal Healthcare Businesses run by licensed Veterinary Surgeons
- Veterinary/Animal Healthcare businesses run by licensed Veterinary Nurses
- Veterinary/Animal Healthcare businesses run by regulated allied veterinary professionals

**BusQ2. Thinking about a scenario of a veterinary/animal healthcare business that has multiple premises/locations (i.e. different branches) across a number of different geographic locations. Which of the options below should a named responsible person be responsible for?**

Answer option selected: Each premises/location AND also an additional person for the overall central business if part of a large veterinary group

**BusQ3. Which, if any, of the following should be assessed by the regulator?**

Multiple choice options selected:

- The health and safety policies
- Animal welfare policies
- Staff welfare policies
- Qualifications of the regulated professional
- Training of the regulated professional
- Record keeping to professional and legal requirements
- Management, storage and usage of medicines
- Leadership of the practice
- Working environment including equipment and facilities
- Treatment of consumer/customers
- Visible information about prices
- Participation with an external mediation/adjudication service

**BusQ4. A veterinary/animal healthcare business would need to have a licence from the regulator before they open a premises. Which, if any, of the following do you think the premises must have in place before the licence is issued?**

Multiple choice options selected:

- Declaration from the business that it meets the requirements of a licence
- Named responsible person at the premises
- Named responsible person at business level (if the premises is part of a larger group)
- Inspection by the regulator of the premises (or documentation for those without a physical location)

**BusQ5. If the regulator is concerned about a veterinary/animal healthcare business, which, if any of the following situations do you think the regulator should have powers of entry to inspect the practice?**

Multiple choice options selected:

- Powers of entry for routine inspections for business/practice premises
- Powers of entry for spot inspections for business/practice premises
- Powers of entry for risk-based spot inspections for business/practice premises
- Warranted powers of entry (from the police) for business/practice premises
- Powers of entry for routine inspections for private dwellings regarding mobile/remote businesses (where the paperwork is kept in their private dwellings)
- Warranted powers of entry (from the police) for private dwellings

Written response:

The regulator should have powers of entry as befits a regulator of a sector that involves clinical standards, dispensing of medicines and that has animal welfare implications. We would therefore expect the regulator to have powers of entry for each of the above situations, within reasonable limits such as those held by other health regulators such as the General Pharmaceutical Council.

**BusQ6. Which, if any, of the following sanctions and actions do you think the regulator should impose for non-compliance of the veterinary/animal healthcare business requirements?**

Multiple choice options selected:

- Charge a business owner with a criminal offence if the business is operating without a licence.
- Provide guidance and advice on improvements
- Impose fines based upon the non-compliances and how critical they are.
- Issue an "improvement notice" of work that must take place with a timeframe set by the regulator based on severity and risk
- Suspend the practice licence
- Suspend the business licence (ie. all premises within the business).
- Issue an "immediate stop notice" for the premises to stop work on specific activities
- Permanent removal of the licence
- Other (Please write in) - Publication of instances of regulatory intervention could also be considered as a sanction that could deter non-compliance

**BusQ7. Do you have any comments you wish to make about the proposed regulation of veterinary/animal healthcare businesses?**

The consultation does not propose how a binding independent redress scheme, the creation of which is a provisional recommendation in the CMA's Market Investigation, should be established. Such a scheme should have the power to adjudicate pet owner complaints and make decisions with which veterinary businesses must comply, and we support the design principles set out in the [CMA's Final Decision Report: Part B](#) (see Paragraph 9.104).

The CMA suggests two alternative delivery models for such a scheme. Which? favours an ombudsman and we set out our arguments for this in response to question OIQ2, but regardless of the delivery model we believe the government should commit to using primary legislation to establish a binding independent redress scheme with the power to determine pet owner complaints and make decisions with which veterinary businesses must comply as the CMA recommends (Paragraph 9.111).

Effective redress will play a crucial role in protecting consumers and ensuring accountability in the sector, and establishing a binding independent redress scheme in legislation ensures its independence and long-term stability. We would therefore expect the fundamental features of this to be established in legislation: its existence, core principles such as independence and binding outcomes, and mandatory participation.

We would not consider it appropriate to leave it to the regulator to establish such a scheme, even if a requirement to do so were included in a strategic steer. There is a balance to be struck between what is included in the regulations and what is included in strategic steers as it is important that there is flexibility to adapt legislation to innovation and future market changes. However, it is important that there is sufficient clarity about the key elements of the standards, including consumer protection, rather than leaving these for interpretation by the regulator. Similar schemes have been placed on a statutory footing in other sectors. For example, financial services and legal services, where ombudsman services were established under the Financial Services and Markets Act 2000 and Legal Services Act 2007. Like the veterinary sector, these are markets where there is often a significant asymmetry of information between the service provider and consumer, making access to an effective redress scheme all the more crucial.

## **Governance questions**

**GovQ1. Which of the two illustrative options do you believe would most effectively serve the veterinary sector in the future?**

Answer option selected: **Splitting professional leadership functions from the regulator:** This option would mean retaining the regulator to complete all the statutory requirements set out in this consultation, with the option for professions to set up an organisation/organisations to complete professional leadership functions.

**GovQ2a. What, if any, benefits do you believe maintaining a single body, including regulator and professional leadership factions, would bring to the veterinary profession?**

Multiple choice options selected:

- Not having the cost of setting up a new organisation

**GovQ2b What, if any, benefits do you believe a proposed Split Model with a separate new professional leadership body would bring to the veterinary profession?**

Multiple choice options selected:

- Clearly defined roles for the regulator and professional leadership factions as an independent body/bodies
- Ability for professionals to decide what (if anything) they want from a professional leadership body
- Improved flexibility for professional leadership body activities that are not constrained by being tied to a regulator
- Not having the potential for those in the professional leadership body to have influence on the regulator and vice versa
- Modern technology means communication between two bodies is not really affected
- Keeping organisations lean and streamlined

**GovQ3 Do you believe there are any risks with a single body having both regulator and professional leadership functions?**

**Skip the question and Q3b if you do not believe there are any risks.**

Written response:

We see three key risks with having a single body with both regulator and professional leadership functions.

First, a single body will necessarily have more complexity as it must meet a greater number of objectives. Combining regulatory and professional leadership functions will inevitably mean greater governance and decision-making complexity.

Second, we think there is an inherent risk of a conflict of interest if regulatory and professional leadership functions lie within a single body. Professional leadership activities such as workforce support and promoting the reputation of the profession may not always align with the regulator's role in setting standards, investigating concerns and taking enforcement action where necessary. We recognise that the RCVS refutes this, believing that since all objectives must be in the public interest then they will not be in conflict (see paragraph 126 of the RCVS' [response to this consultation](#)). However, activities might advance the public interest in some regards, but to the detriment of others. For example, balancing mental health and fitness to practice concerns. It is fundamentally difficult to make these trade offs because judgements must be made with incomplete information and with uncertainty about future outcomes. We are concerned by the RCVS's failure to recognise that such trade-offs even exist.

The third risk is the perception of a conflict of interest between professional leadership and regulatory functions. Maintaining public confidence in a sector is key for any regulator, but the CMA's Market Investigation has demonstrated that the sector needs significant reforms to be able to regain public trust. [The CMA said the response to their initial call for information on the market was 'unprecedented'](#), with 56,000 responses received of which 45,000 were from pet owners. Media coverage of issues in the vet market has also been widespread, and [our own](#)

[research revealed the strength of feeling among pet owners about these issues](#). Overall, public sentiment demonstrates a clear crisis of confidence in the sector among many pet owners. Participants in our [complaints research](#) who sought regulatory intervention certainly perceived a conflict of interest in how their complaints were handled. Regulatory reform presents an opportunity to correct this loss of confidence, and a single body with complete leadership and regulatory responsibilities threatens the achievement of this goal.

#### **GovQ3b How could any of the risks you have identified be mitigated?**

Written response:

There are a number of ways that the risks we have identified could be mitigated. These include strengthening governance arrangements to ensure clear internal separation between regulatory and professional leadership functions, with distinct decision-making structures. External oversight, for example through an independent body such as the Professional Standards Authority (PSA), could provide additional assurance of independence and accountability to Parliament.

A focus on organisational culture would also be required to embed a stronger focus on consumer protection. This could be supported by measures such as explicit statutory duties, and board-level representation for consumer protection.

However, we do not believe these mitigations to be sufficient. They do not remove the fundamental tensions that would exist within a single body. In particular, we would be concerned that regulatory priorities - especially those relating to consumer protection - would be deprioritised. We are also concerned that a single body would not be able to overcome the perception of a conflict of interest and that this will ultimately cause a damaging lack of trust in the regulator.

Therefore, we consider structural separation to be a necessary solution to ensure this market functions effectively and delivers fair outcomes for pet owners.

#### **GovQ4. Do you believe there are any risks with the proposed Split Model with a separate new professional leadership body?**

Written response:

Establishing a separate professional leadership body would inevitably involve some additional costs, potential duplication of functions, and the need to ensure effective coordination between the regulatory and leadership bodies. It would also introduce some uncertainty for stakeholders in the short-term.

#### **GovQ4b. How could any of the risks you have identified be mitigated?**

Written response:

If implemented well, these risks are likely to be manageable and short-term, whereas effective reforms to the regulatory framework will deliver ongoing, long-term benefits to consumers and professionals alike. In any case, the necessary reforms to the Veterinary Surgeons Act will require significant changes to regulatory scope, governance and enforcement capabilities under either of the proposed models, and it is important that this investment is made to deliver the best possible long-term benefits.

Over time, we think that a separated leadership and regulation model would reduce ambiguity, strengthen accountability and support more effective and efficient regulation, mitigating any additional upfront costs.

**GovQ5. To what extent are each of the following important, or not, as primary objectives of the regulator to ensure effective Regulation?**

- **Protecting animal health and welfare** Answer: Very important
- **Promoting public confidence** Answer: Very important
- **Maintaining professional standards** Answer: Very important
- **Protecting consumers** Answer: Very important
- **Ensuring fair competition** Answer: Fairly important

**GovQ6. To what extent is a professional leadership body important?**

Answer option selected: Very important

**GovQ7. Which, if any of the following, do you consider to be the primary functions of a professional leadership body?**

Multiple choice options selected:

- Establish specialist-specific standards above the mandatory level for specialisms
- Profession-specific guides on activities and conduct, based on the overarching codes of conduct set by committees
- Professional leadership, driving their profession to be the best it can be
- Educating the public on care for animals and how to interact with the profession

**GovQ8. Which of the following, if any, should be prioritised when appointing individuals to Boards and Committees of the regulator?**

Multiple choice options selected:

- Area(s) of expertise (for example, public health, equine, small animal)
- Regulatory or educational experience
- Geographic representation (across the UK)
- Professional background (Veterinary Surgeon, Registered Veterinary Nurse, Allied Veterinary Professional)
- Lay parity (this means there would be equal numbers of veterinary professionals and those without veterinary qualifications on the Board)
- Spectrum of skills

**GovQ9. To what extent is independent oversight of the regulator important or not in relation to the following aspects?**

- **Appointment processes for the Board** Answer: Very important
- **Fitness to practise cases** Answer: Very important
- **Overall performance** Answer: Very important

**GovQ15. Do you have any comments you wish to make about governance?**

The consultation proposes a number of measures to improve governance and accountability in the new regulatory framework and we are generally supportive of these. These include:

- The introduction of a strategic steer, which we recognise can be an important mechanism for ensuring regulatory accountability to the government.
- The proposal for mandatory annual reporting to Parliament and Devolved Governments will improve accountability.
- Proposals to ensure that the Board has lay parity and appointments are merit-based. However, we note that: lay parity should be a minimum expectation, that the number of lay members should be at least equal to that of veterinary professionals; the consultation does not specify whether the process for appointments will be competitive; and that there is no stated rationale for appointments to be made by the Privy Council and not the Secretary of State.
- Oversight of the regulator from a body that would assess performance, conduct audits, and scrutinise decisions. It would clearly be most desirable if this could be the Professional Standards Authority given its experience of fulfilling this role for other regulators and the lower cost of this than having a bespoke oversight body for the veterinary sector.

## **Overall Impact questions**

**OIQ1. Do you agree or disagree with the proposed reform of the Veterinary Surgeons Act (1966), and why?**

Agree

Written response:

We strongly agree with the proposed reform of the Veterinary Surgeons Act (1966) (VSA) because we see it as an essential step in addressing the issues identified by the CMA's market investigation and our own consumer research.

Reforming the VSA provides an opportunity to address fundamental issues with the current regulatory regime:

- That veterinary businesses are not regulated – this is incompatible with the modern veterinary market where prices and policies are likely set at a practice management or group level and not by individual veterinary professionals.
- The lack of an appropriate range of sanctions for enforcement of regulatory requirements - the regulator needs to have appropriate expertise, powers and sanctions

to incentivise compliance and allow for effective, proportionate enforcement that will drive improvements and higher standards in the market.

- The limitations that the current regime places on the role of veterinary nurses and allied professionals. This hampers the efficiency and productivity of the workforce.

Addressing the above issues would allow for more effective and efficient regulation of the veterinary market, ensuring that the measures recommended by the CMA are monitored and enforced on a long-term basis, and that issues such as insufficient redress are addressed through regulatory change. We also think that a more robust regulatory framework could help to repair a lack of confidence in the market among consumers. This lack of confidence has been demonstrated by widespread public support for and contributions to the CMA Market Investigation.

**OIQ2. Do you have any additional points to raise regarding the proposals that you have not yet had the chance to express in this consultation?**

Written response:

As we set out in our answer to BusQ7, we believe the government should establish a veterinary ombudsman scheme, and this should be done through primary legislation. While the creation of a binding redress scheme is a provisional recommendation of the CMA, it may be helpful for us to set out our rationale as to why we support such a scheme, and why we believe an ombudsman to be the best delivery model.

We have [conducted research looking into pet owners' experiences of raising a complaint](#) and this identified several significant issues with the current situation regarding complaints and redress:

- Pet owners experience many barriers to complaining, including a lack of awareness of how to do so, a lack of confidence that they will get anywhere with their complaint or due to fears of 'falling out' with their vet practice.
- When pet owners do complain, a large minority are dissatisfied with the handling and/or outcome of their complaint.
- The current options for escalating a complaint (through mediation or the RCVS process) are inadequate, and result in pet owners feeling that the system is stacked against them and favours the veterinary professional.

Pet owners spend a great deal on veterinary services for household pets - the CMA valued the market for veterinary services for pets alone at £6.3 billion in 2024, and complex surgery costs can run into the thousands of pounds for individual consumers. It is therefore crucial that there is access to a robust redress scheme when things go wrong, and so we welcomed the inclusion of this in the CMA's provisional decision. It is our strong preference that this scheme takes the form of a new veterinary ombudsman. We consider this the best option for the following reasons:

- **It would simplify complaints and reduce the burden for pet owners and professionals alike.** Without a single trusted body to approach, several of the pet owners in our research chased multiple routes to have their case heard over a number of

years. We believe that an ombudsman could provide a clear, authoritative endpoint for many of these complaints.

- **It is good value for the additional benefit it can deliver.** The CMA has already recommended an independent, binding redress scheme. We believe that making it an ombudsman would deliver much greater confidence, clarity and impact without adding undue burden. Smaller sectors like [removals](#) and [double glazing and conservatories](#) offer ombudsman services and we believe it is easily within the capability of the veterinary services sector to do likewise.
- **An ombudsman helps identify systemic issues, not just resolve individual cases.** By spotting patterns in complaints and feeding them back to regulators, an Ombudsman can help to drive improvements in a market that's already undergoing major reform.
- **Vet complaints are often complex and emotionally charged**, involving clinical uncertainty and a major information imbalance between pet owners and professionals. An ombudsman can make fair, reasonable judgments that take account of context, communication and the impact on consumers.
- **Consumers understand the idea of an ombudsman as an independent complaints body.** Pet owners who took part in our complaints research spontaneously raised the idea of an ombudsman. Those who had tried to escalate their complaint under the current system felt that it was stacked against pet owners in favour of the vet, feeling powerless in the face of the clinical and legal resources that veterinary businesses have. As an authoritative and recognisable body, an ombudsman could address this sense of powerlessness among consumers in seeking redress.

## About Which?

Which? is the UK's consumer champion, here to make life simpler, fairer and safer for everyone. Our research gets to the heart of consumer issues, our advice is impartial, and our rigorous product tests lead to expert recommendations. We're the independent consumer voice that works with politicians and lawmakers, investigates, holds businesses to account and makes change happen. As an organisation we're not for profit and all for making consumers more powerful.

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