

Disability and Disclosure – Balancing confidentiality, equity and public interest in veterinary education and registration

Report prepared for Australasian Veterinary Boards Council, 25th May 2020

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Executive Summary

All Australian and New Zealand jurisdictions require self-disclosure at the time of registration of any condition likely to impact the ability of the registrant to practice veterinary science, and of any record of misconduct or disciplinary action. However, exact requirements, and the mechanisms for self-disclosure vary across jurisdictions. Educators are often aware of, or have concerns for, a small number of students entering the profession that have experienced conditions, or exhibited conduct, that might warrant self-disclosure. Evidence exists that graduates, having been assisted to achieve course learning outcomes in the face of disability whilst at University, may fail to declare their disability at the time of registration, and ambiguity exists regarding the type of disability or disciplinary action that should be declared. Unlike medicine and other allied health professions, there is currently no mechanism by which universities can share information on student disability or conduct during their undergraduate veterinary studies or at the time of registration.

Graduate registration processes within Australasia are governed by veterinary statutory bodies (VSB's) in each state or territory of Australia, and nationally by the Veterinary Council of New Zealand. Processes differ substantially between these bodies, and there is currently no system to ensure that changes to registration processes are communicated effectively or in a timely manner to students or educators.

The Australasian Veterinary Boards Council (AVBC) commissioned a project to explore communication between veterinary education establishments (VEE's) and VSB's relating to graduating students' fitness to practice, any record of student misconduct or disciplinary action, and any condition that has impacted the ability of the student to complete course requirements and is likely to impact their ability to practice veterinary science, including issues significant for registration that may fall outside of traditional university reporting requirements.

This task was completed by

- benchmarking with graduate registration processes in allied health professions locally and internationally;
- review of literature on professional education and registration to identify related issues and responses in other professions; and
- survey of the profession within Australia and New Zealand to ascertain current opinions and experiences related to new graduate registration.

The aim of the survey was to elicit diverse opinion from the veterinary profession and students in order to inform processes undertaken by registration bodies. The circulation of the survey in itself was not intended to sanction or support any specific change, but to identify opportunities, concerns and issues related to graduate registration to be considered in any future discourse. Key terms in the survey tool were not precisely defined, in part as a pragmatic response to the inherent complexity of related issues, but also to allow respondents to interpret key terms and complex issues related to graduate registration based on their own perspectives and experiences. The survey was preceded by four fictitious scenarios based on 'case studies' provided to the researchers by academics and veterinary registrars. Each was considered suggestive of real-world instances where respondents would have less than complete scientific or legal definitions of the issues raised; all were nuanced, contestable and intentionally open to multiple interpretations. The survey attracted 245 responses, two communications directly to

researchers, and one formal complaint to the Human Research Ethics Committee (HREC) during the seven weeks it was available for completion.

Survey responses provided diverse experiences and polarised perspectives within the profession – some respondents were keen to promote the use of registration processes to increase support for their peers, and others were distrustful of any change to current procedures. These views are likely to represent ends of a spectrum of experience with some individuals witnessing, experiencing or perceiving mistreatment or injustice during the transition from student to graduate, and others having experienced a less confronting journey through education and professional practice. Concerns related to any change to registration processes focused on the risk of discrimination, bias and prejudice, including adverse effects on diversity within the profession, overreaction, stigmatisation or vilification, loss of privacy and increased bureaucracy. Responses indicated that such concerns might be associated with an adverse impact on mental health, increased non-disclosure, misuse of information, or litigation of VSB's and/or VEE's. Some respondents indicated distrust of VSB and VEE staff, or doubted that staff were sufficiently trained to navigate the complexities associated with scenarios and concerns raised. Benefits to the individual, the VSB or profession, the employer and the public were anticipated by some respondents including increased support for individuals with impairment and improved discourse around disability and inclusion, procedural efficiencies and increased justice for VSB processes. Some respondents emphasized the priority of patient care and public service over concerns for individual veterinarians, but awareness of the demands of study and veterinary practice on mental health was prominent in most responses. The role of VEE's in preparation of graduates for practice, and expectations that academic progress and conduct rules might better uphold professional standards was voiced by many respondents, but the responses and experiences of veterinary educators highlighted disparity between academic standards, expected professional behaviours and fitness for practice. The relationship between student conduct and subsequent professional behaviour was raised in a number of responses, with individual experiences highlighting examples where inappropriate student behaviour had preceded subsequent poor professional conduct or, in other examples, was considered 'youthful indiscretion' and not predictive of subsequent professional conduct.

Information provided by VSB's indicated that the number of veterinarians registering a disability or impacted by disciplinary processes is small, and much less than that reported in peer-reviewed literature, lay publications or related by survey respondents. State based regulation of veterinary registration means that individual VSB's have divergent practices and procedures related to registration of new graduates, and there is no guidance for communication of registration requirements to prospective or current students. Recent changes to registration processes, whilst possibly communicated or developed in collaboration with local VEE's, may not be communicated to students or staff at VEE's in other jurisdictions.

General principles for graduate registration processes

Processes must

- Comply with all relevant legislation and uphold the ethical imperatives underpinning each law;
 - Be clearly defined and communicated to prospective and enrolled students at the time of course entry and throughout the degree;
 - Articulate and uphold the standards and expectations of professional behaviour required of veterinary students as they prepare for entry to the profession, particularly where these are different or more rigorous than standards of academic conduct expected of students in non-professional degree programmes;
 - Facilitate the development of these professional standards in students as they progress through their degree;
 - Support graduating students with disabilities to undertake veterinary professional activities competently and safely within boundaries defined by their competence and abilities;
 - Provide students and graduates with protection against false or vexatious claims, and include avenues for appeal;
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- Assess the appropriateness of self-disclosure and, if necessary, determine appropriate processes for communication between VSB's and VEE's to support stated objectives and uphold all relevant legislation;
- If communication between educators and registration bodies is required, uphold VSB and VEE staff to high standards of integrity in the investigation and reporting of concerns, and provide protection from vexatious litigation for staff acting in accordance with these standards;
- Facilitate improved monitoring and consequently enhanced support of veterinarians with health impairments, and more effective rehabilitation and remediation of veterinarians with substance abuse or conduct concerns;
- Support the interests of all stakeholders: animals in our care, the public, graduating students, employers and the wider profession, regulators and educators.

Recommendations

1. Issues relating to disability and unprofessional behaviour should be separated in dealing with fitness to practice and graduate registration.
2. AVBC Accreditation standards should incorporate the requirement for education providers to have policies and procedures in place for managing veterinary students whose behaviour raises concerns about their fitness to practice as a registered veterinary practitioner, and to identify and support these students.

AVBC Accreditation standards should incorporate the requirement for education providers to have policies and procedures in place for managing veterinary students with impairment that raises concerns about their fitness to practice as a registered veterinary practitioner, and to identify and support these students.

3. Boards should develop position statements and policies that show they support veterinarians with disabilities and a diverse workforce.

For example:

[As the professional regulator], we firmly believe people living with disability should be welcomed and valued for their contribution to the veterinary profession.

Veterinarians, like all other individuals, can experience ill health or disability. This can occur at any stage in their career, including while still at university or even prior to starting their degree. A diagnosis of any health condition or disability in itself does not prohibit an individual from practicing effectively as a veterinarian.

Having a health condition or disability does not necessarily mean a veterinarian's fitness to practise is impaired, or that there is an inherent risk to patient safety. We look at the impact a health condition is having on the person's ability to practice safely, which will be unique in each case.

(Adapted from the UK General Medical Council's Welcomed and Valued: Supporting disabled learners in medical education and training document)

4. New graduate application forms and registration processes should be harmonised across jurisdictions, to include self-reporting of any impairments with the potential to affect fitness to practise including neurological, psychiatric or addictive (drugs or alcohol) conditions, physical deterioration due to injury, disease or degeneration, and how these are being addressed; registration processes should uniformly include, or exclude, communication from the VEE (for example, letter of good standing, notification of academic accommodations) in support of the graduate's application.
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5. Consideration should be given to the introduction of **undertakings** or **conditions** into the various veterinary acts as a possible mechanism to allow more positive management of disability by supporting individuals to function effectively within professional activities suited to their abilities.
 6. New graduate application forms and processes should be harmonised across jurisdictions to standardise any communication from VEE's in support of the graduate's application (for example, letter of good standing, notification of academic or professional misconduct) and include the following self-reporting declarations for unprofessional behaviour:
 - *Conviction by any court of any offence punishable by imprisonment for a term of x months or longer;*
 - *Subject of an investigation by an employer or registration or professional body or educational institution or other authority (e.g. racing authority) in respect of any matter that was or may be the subject of professional disciplinary proceedings;*
 - *Awareness that veterinary boards have an expectation that adjustments for defined unprofessional conduct during the veterinary course (including academic misconduct) will be made known by the veterinary school on course completion.*
 7. Boards should assess the risks and benefits of **an authority to share information** with Australian/NZ VSB's to be signed by students, define the content and character of such communication, and determine the most effective mechanism for any such communication. Signing this authority might be voluntary on course entry, or at a predetermined stage of their degree. Graduation would be unaffected for students who elect not to sign but such students would not be registerable, or would be required to prove their fitness to practice in other ways. Legislative changes and legal requirements to allow the introduction of this authority would need to be identified, and the information that could be shared (for example disciplinary investigations, disciplinary action or health concerns that affect fitness to practice), and how this might be used, would need clear definition. A supportive process that provides accountability and transparency, and promotes safe, effective practice, recovery and accommodation is desired.
 8. Consider a legislative model to introduce the need for criminal checks on all new registrants and processes for how this will be used to confirm fitness to practice. For instance:

Section 77 Health Practitioner Regulation National Law
Application for registration provides for the need to an applicant for registration to supply

 - *any other information reasonably required by the Board;*
 - *to disclose the applicant's criminal history; and*
 - *to authorise the Board to obtain the applicant's criminal history.*
 9. All students must have information regarding the attributes and expectations required of them with regards to fitness to practice, registration standards and requirements to become a registered veterinarian before they start veterinary courses; students must also be made aware of how fitness to practice is evaluated and what will happen if there are issues around their fitness to practice. Any changes to registration practices must be clearly communicated to students in all jurisdictions.
 10. Veterinary schools should continue to work together to ensure they have processes to identify and deal with students whose fitness to practice may be impaired, and to better address the disparity between academic standards and professional behaviour.
 11. Data from VEEs and VSBs relating to disabilities within the profession, and information to ascertain whether patterns of behaviour or other predictors of graduate performance can be identified from undergraduate performance, should be routinely collected and collated to establish an evidential basis for any changes to registration and support processes.
 12. The remediation, rehabilitation and support of individual veterinarians attempting to maintain fitness for practice in the face of disability (including substance abuse) should be prioritised in policies and procedures. Policies and procedures should promote supportive and constructive discourse on disability and inclusion within the profession in order to support diversity in all spheres of veterinary vocational activity.
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