

Federation of Independent Veterinary Practices (FIVP)

Response to the CMA Consultation on the Draft Substantive Order and Undertakings

Introduction

The Federation of Independent Veterinary Practices (FIVP) welcomes the opportunity to respond to the Competition and Markets Authority's consultation on the draft substantive Order, Undertakings and associated schedules and supporting documents.

FIVP represents independent veterinary practices and has engaged constructively with the CMA throughout its market investigation. We recognise that the CMA has now reached its final decisions and that, as stated in the consultation, the Inquiry Group's findings and decisions on the remedies themselves are outside the scope of this consultation. We have therefore sought to focus our response on the detailed drafting and implementation of the proposed remedies.

FIVP's principal concern is that the detailed requirements must be capable of delivering the intended benefits for consumers without creating disproportionate administrative, financial or operational burdens on veterinary practices, and particularly on independent practices.

The draft Order represents a significant regulatory intervention in the way veterinary practices communicate with clients, display and provide pricing information, issue prescriptions, manage complaints and provide information about ongoing medication and care plans. Each of these requirements may appear relatively straightforward when considered individually. However, the cumulative effect on a small independent practice could be considerable.

We are concerned that the drafting does not always sufficiently recognise the fundamentally different operating environments of independent practices and large veterinary groups (corporate entities).

1. The remedies must be proportionate and workable

FIVP supports the principle of greater transparency and better information for pet owners. However, transparency should not become an objective in itself. Information provided to clients must be meaningful, understandable and capable of being maintained accurately.

Independent veterinary practices frequently operate with limited administrative resources. A practice owner may simultaneously be a veterinary surgeon, employer, clinical leader, business owner and administrator. Requirements that can be absorbed by a large corporate organisation with dedicated compliance, IT, marketing and administrative teams can represent a significant burden for a small practice.

We therefore ask the CMA to consider the cumulative compliance burden created by the Order.

The question should not simply be whether each individual requirement is reasonable. The CMA should also consider whether the combined requirements are proportionate when applied to an independent practice.

FIVP strongly recommends that the final drafting includes clear, practical guidance and avoids unnecessary prescription where the same consumer outcome can be achieved through less burdensome means.

2. The Order should not inadvertently disadvantage independent practices

The CMA's remedies are intended to improve competition. It is therefore important that their implementation does not inadvertently strengthen the competitive position of larger corporate businesses.

Independent practices do not generally have the economies of scale, centralised administration, dedicated compliance departments or sophisticated IT systems available to larger veterinary groups.

For example, requirements concerning price lists, prescription processes, complaints recording, client communications and monitoring may all require changes to practice management systems and additional staff time.

FIVP believes that the CMA should undertake a specific independent-practice impact assessment of the final requirements.

This should consider:

- the additional staff time required;
- IT and software costs;
- administrative and training requirements;
- the cost of maintaining and updating mandatory information;
- the effect on clinical workflow;
- the effect on client communication;
- the implications for very small practices and single-site businesses; and
- the cumulative cost of compliance.

Competition cannot be improved if regulation unintentionally increases the cost and complexity of remaining an independent veterinary practice.

3. Price transparency must not become price distortion

FIVP supports appropriate price transparency. However, price information must be presented in a way that does not create a misleading impression that veterinary services are directly comparable commodities.

Veterinary treatment is fundamentally different from purchasing a standard consumer product. The price of a veterinary service reflects the clinical expertise, facilities, equipment, staffing, diagnostic capability, monitoring, continuity of care and professional responsibility involved in delivering it.

A headline price without appropriate context may therefore encourage clients to compare services which are not genuinely equivalent.

The indicative price list and associated requirements should make clear that prices are illustrative and that the actual cost of treatment may vary depending on the individual animal, clinical findings and treatment required.

FIVP is particularly concerned that mandatory price information should not result in clients believing that a lower advertised price necessarily represents better value.

4. Prescriptions and online purchasing

FIVP supports the principle that clients should be able to obtain a written prescription where clinically appropriate and make informed choices about where medicines are purchased.

However, the detailed drafting must preserve the fundamental principle that prescribing remains a clinical decision.

There must be no implication that a written prescription is automatically appropriate simply because a client requests one. The veterinary surgeon must retain the ability to determine whether prescribing is clinically appropriate, taking account of the individual animal, its condition, treatment history and the need for appropriate monitoring.

Client communications should also make clear that obtaining medicines elsewhere may have implications for convenience, continuity of care, delivery times, product availability and the relationship between the client and the prescribing veterinary practice.

Information about potential online savings must be balanced and must not imply that veterinary practices are overcharging simply because a product may be available for less elsewhere.

5. Standardised client communications

FIVP has previously raised significant concerns about the proposed client-facing poster and other mandatory communications.

We remain concerned that standardised communications can become commercially or emotionally loaded, particularly where wording emphasises that medicines may be "significantly cheaper online" without giving equivalent prominence to the circumstances in which this may not be the case.

Mandatory communications should be:

- factually balanced;
- clinically appropriate;
- neutral in tone;
- easy for clients to understand;
- sufficiently flexible to accommodate different practice models; and
- designed to inform rather than encourage clients to challenge or distrust their veterinary practice.

This is particularly important because veterinary teams are already experiencing increased levels of client frustration and confrontation around pricing.

A mandatory communication which is perceived by clients as the CMA telling them that their veterinary practice is charging too much risks damaging the trust between veterinary professionals and their clients.

That would be an unintended and undesirable consequence of the remedy.

6. Complaint recording and monitoring

FIVP recognises the value of appropriate complaint recording and welcomes mechanisms that can identify genuine systemic problems.

However, the proposed complaint log should not create a disproportionate administrative requirement or encourage practices to record every expression of dissatisfaction as a formal complaint.

Veterinary practices deal with a wide range of emotionally difficult situations. A client's disagreement with a clinical decision, treatment outcome or price does not necessarily constitute a formal complaint.

The final requirements should therefore provide a clear definition of what must be recorded and ensure that practices are not required to create extensive records for routine client interactions.

7. RCVS monitoring

FIVP notes the CMA's decision that the RCVS should support and monitor compliance with the remedies. The consultation includes both the RCVS monitoring proposal and a monitoring flowchart. ([CMA Citizen Space](#))

FIVP considers it essential that the monitoring regime is proportionate, transparent and consistent.

Independent practices must not find themselves subject to a significantly greater compliance burden simply because they do not have a central compliance function.

The RCVS should therefore provide:

- clear guidance before enforcement begins;
- a reasonable opportunity to correct inadvertent non-compliance;
- a proportionate approach to minor administrative errors;
- consistent standards of interpretation;
- transparency about how practices will be selected for monitoring; and
- an accessible mechanism through which practices can seek clarification.

There should be a clear distinction between deliberate or persistent non-compliance and an isolated administrative error by a small business.

8. Adequate implementation time

FIVP believes that sufficient implementation time is essential.

Practices will need to amend systems, websites, client communications, staff procedures, pricing information and potentially practice-management software. Staff will also require training.

This cannot realistically be achieved by simply publishing the final Order and expecting practices to become compliant immediately.

The CMA should therefore ensure that there is a clear implementation period, supported by comprehensive guidance and practical examples.

9. The need for ongoing review

FIVP strongly recommends that the CMA commits to reviewing the operation and proportionality of the remedies once they have been implemented.

The veterinary sector is changing rapidly. The impact of the remedies on independent practices should be assessed alongside their impact on consumers.

In particular, the CMA should monitor whether the remedies:

- increase or decrease competition;
- increase administrative costs disproportionately for small businesses;
- contribute to further consolidation of the veterinary sector;
- affect the viability of independent practices;
- result in increased client dissatisfaction or conflict;
- produce the intended consumer benefits; and
- create unintended consequences for animal welfare or clinical decision-making.

If evidence demonstrates that a particular requirement is not achieving its intended purpose, the CMA should be prepared to amend it.

Conclusion

FIVP supports the underlying objective of ensuring that pet owners receive clear, accurate and useful information when making decisions about veterinary care.

However, the success of the CMA's remedies will depend heavily on how they are drafted and implemented.

We therefore urge the CMA to ensure that the final Order is:

proportionate, practical, clinically appropriate, administratively workable and genuinely neutral between different veterinary business models.

The CMA should be particularly careful that the detailed implementation of the remedies does not unintentionally place independent practices at a competitive disadvantage or increase the pressure towards further consolidation of the sector.

Independent veterinary practices make an important contribution to competition, consumer choice, continuity of care and the resilience of the veterinary sector. The regulatory framework should support that diversity rather than inadvertently undermine it.

FIVP would welcome continued engagement with the CMA and RCVS during the implementation phase to ensure that the remedies achieve their intended objectives in practice.

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