

Royal College of Veterinary Surgeons

v

Mr Andrew Dominic Illing MRCVS

Judgment

1. Mr Andrew Dominic Illing has admitted the following two charges;

That being registered in the Register of Veterinary Surgeons and while in practice at Chapelfield Veterinary Partnership, 21 Chapelfield Road, Norwich, NR2 1RR

(A) On or around 1 May 2008, you signed the passport of “ Aquarius Sings the Blues”, a bay Irish draft horse belonging to Mrs Scriven, dishonestly certifying that on 24 April 2008, “Aquarius Sings the Blues” had undergone a vaccination against Equine Influenza , when you knew that the vaccination had not been carried out on 24 April 2008.

and /or

(B) On or around 1 May 2008, you backdated the passport of “ Isobel” a horse belonging to Mrs Kippen, dishonestly certifying that on 24 April 2008, “Isobel” had undergone a vaccination against Equine Influenza and tetanus, when you knew that the vaccination had not been carried out on 24 April 2008.

2. The Committee is now called upon to decide whether or not the admitted conduct amounts to Disgraceful Conduct in a Professional Respect. The admitted conduct is supported by 1) the witness statement of Ms Charlotte Alice Mayers BVet Med MRCVS and the exhibits annexed to her witness statement, 2) the documents referred to in the opening statement of the College, 3) the horse passport for the horse referred to in the first charge ‘Aquarius Sings the Blues’, (tab 3 pages 6 and 7 of the inquiry bundle), and 4) the letters received from the Respondent dated 20th November 2008, 2nd February 2009 and 17th March 2009, all written in response to issues raised in connection with the charges by the College.
3. The Committee, in reaching its decision, has to be sure that the behaviour of the veterinary surgeon in question falls far short of that to be expected of a member of the veterinary profession before finding that he is guilty of serious professional misconduct. In this case the facts, briefly stated, reveal that Ms Mayers was a junior veterinarian employed by the Respondent’s practice, the Chapelfield Veterinary Partnership in Norfolk. One of the branches of that Partnership undertook vaccination services to a number of livery yards, one of which was sited at Hall Farm, Burgh Castle. Two of the horses kept there were owned by Mrs Scriven and Mrs Kippen; Mrs Scriven’s horse being Aquarius Sings the Blues and Mrs Kippen’s horse being Isobel. That branch of the practice operated a system whereby it visited this livery yard on a monthly basis to carry out routine

procedures, such as vaccinations. This had the advantage of avoiding payment of a call-out charge by each separate client.

4. In April 2008, the routine visit to Hall Farm was fixed for 30th April 2008. However, the booster vaccination injections for Mrs Scriven's horse should have been provided by 24th April 2008. In the case of Mrs Kippen's horse this should also have been completed by 24th April 2008.
5. It was on 17th April 2008 that Mrs Scriven made a call to the practice to fix an appointment for the vaccination of her horse. Mrs Kippen telephoned the practice on 28th April 2008 to make an appointment for her horse.
6. When Ms Mayers attended at Hall Farm on 30th April 2008 to perform the vaccination injections, she was due to vaccinate five horses, two of which were the horses owned by Mrs Scriven and Mrs Kippen. The procedure she adopted was to undertake pre-vaccination checks and then to administer the appropriate vaccine for each of the five horses. Having administered the vaccinations, she then asked the owners to bring their horses' passports to her car so that she could complete the vaccination records. It was at that stage that she noted that the booster vaccinations for both these horses had been administered outside the one year period prescribed by the rules of the Jockey Club. Ms Mayers was obliged to explain the problem to Mrs Scriven and Mrs Kippen. One of those owners, Mrs Scriven, asked her to backdate her horse's passport by inserting a date before 25th April 2008 – so as to 'legitimise' the vaccination just administered. Ms Mayers informed Mrs Scriven that she could not backdate the passport. The owners were unhappy. The discussion that followed became quite heated. Ms Mayers felt under pressure from the owners and resolved the difficulty by suggesting that she would take the passports back to the practice and speak to the director of that practice who was the Respondent, Mr Illing.
7. The Respondent was not present when she returned to the practice after leaving the yard. She therefore put the two passports in an envelope and left them in the Respondent's in-tray with an explanatory note. Thereafter the Respondent discussed with Ms Mayers what had happened. She explained what had occurred to the Respondent. He told her not to worry about it. The Respondent did not indicate to Ms Mayers what it was that he was going to do, but the outcome was that he told her to leave the passports with him. Thereafter the Respondent signed the passport for the horse Aquarius Sings the Blues himself. In the case of Mrs Kippen's horse Isobel, Ms Mayers had apparently signed it before observing that the vaccination had been administered outside the requisite 12 month period. Having signed the passport for Mrs Scriven's horse, the Respondent then backdated both passports and thereby certified that the booster vaccinations had been administered to each horse on 24th April 2008, this despite the fact that Ms Mayers had explained to him that she had administered both vaccinations on 30th April 2008.
8. This conduct came to the attention of the College when the livery manager made a complaint [**NB** please see clarification at end] in relation to the passport for the horse Aquarius Sings the Blues. The matter was then investigated. During the course of that investigation, the Respondent spoke to Ms Mayers and informed her that he had backdated the two passports. In his letters to the College, the Respondent admitted at all times that he had backdated the two

passports and accepted that he should not have done so. The explanations that he proffered in the three letters referred to above were in effect that he had been under considerable stress at the time. That stress arose from the fact that he had been dealing with a protracted and difficult disciplinary meeting concerning a senior veterinary colleague in the practice and secondly that he had been in a degree of pain at the time following an injury to one of his knees.

9. In considering whether such conduct evidenced by the above facts amounts to Disgraceful Conduct in a Professional Respect, the Committee has accepted the advice given to it by the Legal Assessor that, before a finding of Disgraceful Conduct in a Professional Respect could be made, the College must have satisfied the Committee that the conduct in question falls far short of that which is to be expected of the veterinary profession. The Committee has considered the nature and duration of the conduct in question and has reflected on the circumstances giving rise to that conduct as set out in the Respondent's three letters to the College.
10. In reaching its decision the Committee has also had regard to the following facts and matters:
 - a. members of the profession should act with honesty and integrity at all times. The Committee holds to the view that the public must be able to trust certificates which are signed by members of this profession. If the public cannot trust the authenticity of such certificates, the Committee considers that public confidence in the profession would be undermined, and undermined in a very significant way.
 - b. the Committee notes also that the Guide states in the clearest of terms, that there is an obligation on every veterinary surgeon to maintain the integrity of veterinary certification. This is spelled out in the Ten Guiding Principles at principle (f); it is listed as one of the veterinary surgeon's responsibilities to the general public in part 1.E; it is dealt with separately at part 2.G which spells out the fact that a certificate is 'a written statement of fact made with authority, the authority in this case coming from the veterinary surgeon's professional status'; and certification is also the subject of the 12 Principles of Certification drafted by the RCVS, the BVA and Defra, which has been adopted by the Federation of Veterinarians of Europe.
 - c. The Committee considers that no veterinary surgeon could be in any doubt as to the importance that the public and the Royal College attaches to accurate certification.
 - d. The Committee considers that it would also be plain and obvious to any veterinary surgeon that the organisers of equine events as well as members of the public rely on the professional integrity of veterinary surgeons to provide truthful and accurate information.
11. The Committee considers that, for all of the above reasons, it is of vital importance that the signature of a veterinary surgeon can be relied upon as confirming the truthfulness and the accuracy of the information contained in horse passports, amongst other documents. In dishonestly certifying the accuracy

of the information contained in these two horse passports, by the insertion of a false date for vaccination, this Respondent, in the judgement of this Committee, was guilty of conduct which fell so far short of that which is to be expected of a veterinary surgeon that it constitutes Disgraceful Conduct in a Professional Respect in each of these two charges.

Clarification (24 August 2009)

In this case the complainant was not the owner of the livery yard, as stated, but was an owner of a horse at the yard.

At the hearing there was discussion about who made the complaint, and the College's opening statement stated that the complainant was the yard owner. This was then repeated in the Disciplinary Committee's findings of fact which stated that the complaint against Mr Illing came to the attention of the College when "the livery manager made a complaint in relation to the passport for the horse Aquarius Sings the Blues".

The livery yard owner has since contacted the College and we wish to clarify that no complaint was made by those owning or managing the livery yard.

The error is regretted.