

ROYAL COLLEGE OF VETERINARY SURGEONS

V

Mr LESLIE HIGGOTT

FINDINGS ON SANCTION

1. The final task of the Committee was to consider, in the light of its findings on the facts and its decisions on Disgraceful Conduct in a Professional Respect, what was the appropriate Sanction in this case. In doing so, the Committee accepted the advice of the Legal Assessor as to the approach which should be adopted and having given consideration to the Sanction options available to it in the appropriate order, commencing with the possibility of a postponement of sentence and rising to the serious sanctions of suspension for a period of up to two years and finally removal from the Register.
2. In arriving at its conclusions, the Committee gave detailed and anxious consideration of the contents of all of the letters of support placed in evidence on behalf of the Respondent. It gave particular consideration to the oral evidence of Mayor Adrian Jones and Ms Helen Miles. Both witnesses gave clear and articulate evidence concerning their dealings with the Respondent and in support of their pleas that the Respondent should be permitted to continue in practice and to provide a much needed veterinary service to the deprived community in which his practice operated. The evidence of the Respondent and of Mrs Higgott was also reflected upon, including the answers given in response to the questions put to them by Counsel for the College.
3. Further, in what the Committee has already described as an able and persuasive submission in mitigation, Mr Corless, Counsel for the Respondent urged on behalf of his client the following matters:
 - (i) The sentence passed by the Committee had to be proportionate; and then he set out certain reasons why he contended a sanction of suspension or removal from the Register would be disproportionate
 - (ii) An assessment of the man himself had to be made and the contention that he was a generous and caring man, who had sought to care for animals all of his working life and often did not charge for work that he undertook for clients. In this connection, the assessment of the Committee is unfortunately unfavourable as regards his competence as a veterinary surgeon and as regards his attitude towards the dog Fliss. The details of the Committee's conclusions are set out in its Findings on Disgraceful Conduct in a Professional Respect and in these Findings on Sanction.
 - (iii) The contents of the letter of Mrs Joan Hyslop dated 9 may 2008 which contained a heart-felt plea that the Respondent be permitted to continue to serve his local community.
 - (iv) As regards the visits of Mrs Mosedale and Mr Hepper, representatives of the College, the impact of this hearing and the legal advice now given to him which had brought home to him the importance of their recommendations and advice.

(v) The two CPD courses which the Respondent had undertaken since his last appearance before the Committee and the other online courses which he was proposing to sign up for

(vi) The impact on the community and on himself which meant that postponement of sentence was sufficient because the Committee could impose safeguards and because the Respondent was deserving of a second chance.

(vii) The Respondent could receive guidance from an experienced veterinary surgeon who could be required to write short reports on his progress so as to keep the Committee informed of his conduct

(viii) The finding of the Disciplinary Committee that he was guilty of Disgraceful Conduct in a Professional Respect was a punishment in itself

(ix) The findings in a number of reported cases, copies of which were placed before the Committee. The Committee considers that these reported cases are fact specific. However, in some instances, the facts giving rise to the sanction of removal from the Register bore parallels to the present case.

(x) The respondent was himself funding Counsel's appearance before the Committee today.

4. Against those factors, the Committee considered it necessary to have regard also to the fact that the primary purpose of the sanctions available was not to punish the Respondent but was instead to protect the welfare of animals, to maintain public confidence in the profession and to declare and uphold the proper standards of conduct. Therefore in addition to the sanction being proportionate to the nature and extent of the conduct found proved against the Respondent, it must also weigh in the balance the public interest.
5. As regards the public interest factors, the Committee considers that it is in the public interest that veterinary surgeons protect and promote the health and welfare of animals in their care and that they conduct themselves in a professional manner. In this connection, the Committee notes that the oath taken by all veterinary surgeons on entering the profession includes a promise that "my constant endeavour will be to ensure the welfare of the animals committed to my care". In addition, the Committee considers the protection of the profession's reputation in upholding and maintaining the standards within the profession are also public interest factors to which regard must be had when consideration is being given to what is the appropriate sanction.
6. The Committee has also had regard to aggravating factors which it considers have been made out in the findings of fact previously arrived at. These include (1) the actual suffering of Ms Cook's dog Fliss, (2) the risk of further suffering of that dog, (3) the fact that the misconduct on the part of the Respondent in relation to the inadequacies of diagnosis of the ailments added to the suffering of the dog, (4) the treatment of the dog whilst it was an in-patient under his care and (5) his refusals to comply with the advice given to maintain proper clinical records and (6) his refusals to undertake continuing professional development, (7) his disregard of the role of the College and the systems that regulate the veterinary profession and (8) his lack of insight into the offences found proved against him and that those offences would amount to disgraceful conduct in a professional respect.

7. It is also plain that there are some mitigating factors which can sometimes be advanced, but which do not apply to this Respondent or his conduct. It cannot be said that the conduct found proved against the Respondent related to a single or isolated error. It cannot be said that his decisions or conduct were taken without a full opportunity for reflection. Finally, it cannot be said that the Respondent has demonstrated an insight into the offence or the disgraceful conduct of which he has been found guilty.
8. The Committee gave long and careful consideration to the question of whether this was an appropriate case for a postponement of sentence for a period of time. It reached the conclusion that this was not an appropriate sanction in the circumstances prevailing in this case. It considered that on the basis of (1) the findings of fact made and the reasons given for the findings of disgraceful conduct in a professional respect, (2) in particular the prolonged persistence in manifestly inappropriate administration of ineffective medicines to the dog over a 14 day period (3) the disgraceful conditions in which Fliss was kept whilst in his surgery and (4) combined with his persistent refusal to accept the advice and guidance of the College members who visited his practice over a period of 16 months (which revealed an attitude of studied indifference to those attempts to assist him), demonstrated the Respondent was not someone who would raise his conduct to an acceptable level over any sustained period. The Committee in so deciding did have regard to the undoubted improvements in the hygiene, cleanliness and general appearance in his practice premises introduced since his appearance before the Committee at the end of April of this year. On the evidence this was plainly brought about as a result of interventions from Mrs Higgott for which she is to be commended. Although assurances were given to the Committee that proper clinical records were now being maintained by the Respondent and that tamper-proof bottles were now being used when medicines were supplied to animal owners, the clients of the practice, the Committee had grave reservations about the period of time for which these new practices would continue. These reservations stem from the fact that the Respondent declined to follow the repeated guidance given to him in this regard by representatives of the College.
9. More importantly, however, the Committee was concerned by the fact that the Respondent had undertaken only minimal CPD courses since April 2008. So inadequate was his treatment of the dog Fliss that the Committee considered that (1) the Respondent would require very considerable additional training and over a substantial period of time before he could begin to attain the standards of diagnosis and treatment properly to be expected of a competent veterinarian and (2) it was highly improbable that he would ever undertake the necessary training that would qualify him to accept veterinary work from members of the public, other than the most routine. His reaction to the levying of these charges against him was, in the conclusion of the Committee, "too little, too late". As stated above, the Committee was most concerned about the conditions in which Fliss was kept at his surgery over an extended period of time. It could not understand how a veterinary surgeon who had a proper concern and feeling with for welfare of animals under his care could allow those conditions to persist and could not envisage how any period of training or supervision during any period of postponement would bring about that change in attitude in the Respondent

which would be necessary before the Committee or the public could repose confidence in the belief that there would be no repetition of this lack of respect for, or feeling for, the suffering of an animal in his care.

10. In the circumstances set out in the Findings of Fact of the Committee, and its Reasons for its Findings of Disgraceful Conduct in a Professional Respect and in the matters set out above, the Committee considered that it would be a wholly inadequate sanction for this case to be disposed of by way of a warning or reprimand.
11. For the reasons given in relation to its decision not to postpone sentence in this case, the Committee considered that a period of suspension from the Register for a period of up to 2 years was neither appropriate in this case nor would it achieve the necessary objective of ensuring a transformation in the Respondent's attitude to the treatment of animals under his care or to the attainment of the necessary minimum standards of competence to be expected of a practising veterinarian.
12. When considering the ultimate sanction of removal from the Register, the Committee did reflect again on whether this behaviour which it found proved was fundamentally incompatible with the Respondent being a veterinary surgeon because of the serious departures from those professional standards set out in the Guide to Professional Conduct. It considered that the behaviour did satisfy that requirement and was of the view that this was the only sanction which could properly be passed having regard to the public interest factors identified above. None of the mitigating factors advanced on behalf of the Respondent satisfactorily addressed concerns of the Committee in relation to (1) the Respondent's attitude towards animals in his care or (2) the question of whether he had a proper insight into or appreciation of the full extent of the respects in which his conduct towards the dog Fliss and his diagnostic and treatment standards fell far short of the standards properly to be expected of a modern veterinarian. It is clearly in the public interest that veterinary surgeons who are permitted to practice should be concerned to protect and promote the health and welfare of animals in their care and that the Committee should by its Decisions as to Sanction uphold and maintain the standards within the profession.
13. It is for those reasons, and not without a heavy heart, that the Committee concluded the only proper Sanction to impose in this case is the ultimate Sanction of removal of the Respondent's name from the Register. In so concluding, it is aware of the very significant, if not devastating, effect this will have upon the Respondent's ability to sell his practice and of the other financial consequences that may follow. It has additionally reflected carefully upon the impact which this decision will have upon the provision of veterinary services in the community, but it considers that it is not in the interests of the community to have a veterinary surgeon in practice who is capable of treating an animal in the way in which Fliss was treated by the Respondent during the 14 days in which he was an in-patient at his surgery.

14. The Committee therefore instructs the Registrar to remove the name of Mr Leslie Higgott from the Register.