

Standards Committee

Agenda for the meeting to be held on 6 February 2023 at 10.00am

1.	Apologies for absence, declarations of interest	
2.	Matters for decision	
	a. Food Standards Scotland – temporary registered OVs (confidential)	Paper attached
	b. Avian Influenza (confidential)	Paper attached
	c. Welsh language translations (confidential)	Paper attached
	d. Review of ‘Under Care’ and 24/7 emergency cover – next steps (confidential)	Paper attached
3.	Matters for report	
	a. Disciplinary Committee Report	Paper attached
	b. Riding Establishments Subcommittee Report	Paper attached
4.	Confidential matters for report	
	a. Recognised Veterinary Practice Subcommittee Report	Paper attached
	b. Ethics Review Panel Report	Paper attached
	c. Certification Subcommittee Report	Paper attached
5.	Risk and equality	Oral update
6.	Any other business and date of next meeting on 15 May 2023 <ul style="list-style-type: none"> • Conscientious objection • Chapter 23 	Oral update

Standards Committee 2022/2023**Chair:**

Miss Linda Belton BVSc MRCVS

Members:

Dr Louise Allum VetMB MRCVS

Ms Belinda Andrews-Jones DipAVN (surgical) RVN

Mr Mark Castle OBE

Dr Danny Chambers BVSc MRCVS

Dr Olivia Cook MRCVS

Dr Matshidiso Gardiner MRCVS

Ms Claire-Louise McLaughlan MA LLB(Hons)

Mrs Claire Roberts DipAVN (surgical) RVN

Mr Will Wilkinson MRCVS

Summary	
Meeting	Standards
Date	6 February 2023
Title	Disciplinary Committee Report
Summary	Update of Disciplinary Committee since the last Standards meeting on 9 November 2022
Decisions required	None
Attachments	None
Author	Yemisi Yusuph DC Clerk y.yusuph@rcvs.org.uk

Classifications		
Document	Classification¹	Rationales²
Paper	Unclassified	n/a

¹Classifications explained

Unclassified	Papers will be published on the internet and recipients may share them and discuss them freely with anyone. This may include papers marked 'Draft'.
Confidential	Temporarily available only to Council Members, non-Council members of the relevant committee, sub-committee, working party or Board and not for dissemination outside that group unless and until the relevant committee or Council has given approval for public discussion, consultation or publication.
Private	The paper includes personal data which should not be disclosed at any time or for any reason, unless the data subject has agreed otherwise. The Chair may, however, indicate after discussion that there are general issues which can be disclosed, for example in reports to committees and Council.

²Classification rationales

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Report of Disciplinary Committee hearings since the last Standards meeting on 9 November 2022

Hearings

Donal Johnston

1. This was a resumed hearing that took place on 1 November 2022. The original hearing took place in April 2022.
2. The charges against Mr Johnston related to several fraudulent insurance claims made by the Respondent. He worked at Banbridge Pet Vets (“the practice”), a small animal practice in Northern Ireland. Part of the Respondent’s duties involved making insurance claims on behalf of the practice’s clients. During Mr Johnston’s time working at the practice, he created accounts in his name for two fictitious dogs. In addition, Mr Johnston submitted insurance claims for two animals that did exist, namely a cat and a dog, both of whom belonged to Ms Jacqueline McMillan, a receptionist at the practice. The Respondent treated these animals and submitted claims to an insurance company on behalf of Ms McMillan, with her consent. The insurers paid the amounts claimed, but the Respondent (without Ms McMillan’s knowledge) directed them to send the payments to an account which Mr Johnston’s had set up for his own benefit, rather than the practice’s account.
3. At the original in April 2022, the Committee made their decisions on both the findings of fact, as well as disgraceful conduct.
4. The Committee concluded that Mr Johnston conduct, fell far below the standard expected of a Registered Veterinary Surgeon and that his dishonesty was of a nature and seriousness that amounts to disgraceful conduct in a professional respect. To find otherwise would undermine public confidence in the profession and fail to uphold proper standards of conduct and behaviour in veterinary surgeons.
5. The Committee’s full decision on findings of facts and disgraceful conduct can be found here: [johnston-donal-november-2022-decision-of-the-disciplinary-committee-on-facts-and-disgraceful-conduct-in-a-professional-respect \(3\).pdf](#)
6. At the resumed hearing in November 2022, the Committee continued to look into the appropriate sanction to impose on Mr Johnston.
7. The Committee considered the sanction of Postponement. It also considered whether the provision of Undertakings should be provided during any period of postponement. This

possible course of action was raised with the Respondent's legal representatives at the Hearing on 28 April 2022. The Chair informed the Respondent the Committee would need to look at the issue of whether medical evidence to confirm the existence of a gambling addiction would be provided together with evidence of a strong support network to be accompanied by progress reports from independent third parties and a plan for mitigating financial risks associated with the Respondent's gambling addiction. There would need to be full disclosure to his employers and his regulatory bodies of the Committee's findings of Disgraceful Conduct in a Professional Respect. These steps the Committee considered were necessary to demonstrate that the Respondent will no longer be a risk to the profession, to his colleagues to the public and, in this instance, to insurance companies by reason of his gambling addiction. Having taken instructions Mr Rafferty informed the Committee that he wished an adjournment so that these matters could be considered, and steps taken to seek to satisfy the Committee that a Postponement supported by suitable Undertakings could meet the requirements and objectives indicated by the Chair.

8. An adjournment was granted, and the Committee reconvened on 1 November 2022 to consider and reflect on the additional steps taken by the Respondent's representatives to produce supportive medical and other specialist reports.
9. The reason for the delay in reconvening this Hearing lies in the fact that the medical and other reports took some time to secure and, thereafter, securing a date which was available to all members of this Committee.
10. Mr Johnston provided the Committee with Undertakings, which were very much accepted by them. The Committee made a few changes to the Undertakings, which Mr Johnston readily acceded to.
11. The Committee decided that the sanction should be Postponed for the full period of 2 years. The reason for this was to ensure that the Mr Johnston is subjected to the longest period of supervision and support permitted by the Rules. At the conclusion of the 2-year period there will be a Resumed Hearing to review the totality of the Respondent's progress and compliance with the Undertakings he has provided to the Committee.
12. The Committee stated that "in the event, which it is anticipated is unlikely to occur, it is discovered that the Respondent has not so complied, the Committee will have available to it the whole range of sanctions permitted under the Act. If Mr Johnston fails to take advantage of the opportunity now afforded to him, he can be under no illusions about the result in such an eventuality"
13. The Resumed Hearing will take place at some point in November 2024.

14. The full decision on sanction can be found here: [johnston-donal-november-2022-decision-of-the-disciplinary-committee-on-sanction \(1\).pdf](#)

Katherine Power

15. The Committee met in person between 7-11 November 2022 and 22-28 November to her the Inquiry into Dr Power.
16. The hearing was adjourned on 28 November 2022 and will resume on 20 March 2023.
17. A report on this hearing will be provided to the Standard's Committee at the conclusion of the hearing.

James Gracey

18. The Committee met at the original hearing for this case in July 2022.
19. At the outset of the hearing, applications were made by Mr Gracey's representatives to the Disciplinary Committee asking them to rule that the whole proceedings should be stopped as an abuse of process on various grounds including the delay that had occurred in the matters being referred to the RCVS, and that there had been flaws in the original investigatory process.
20. Mr Gracey's Counsel also made a separate application, namely that the evidence of one of the College's witnesses should be excluded on the grounds that the witness had been convicted of bribery. The Committee, having considered the submissions made by Counsel representing Mr Gracey and the College, decided that there was no abuse in allowing the proceedings to continue and ruled that the statement and evidence of one witness should be excluded from the hearing based upon their conviction.
21. The full decision on application for abuse of power can be found here: [Gracey, James - Decision and Reasons on Abuse of Process and Admissibility Argument - Professionals \(rcvs.org.uk\)](#)
22. Mr Gracey was found guilty in respect of five charges in relation to cows, some of which were owned by his father. These were namely:
 1. On or about 15 December 2016 he signed a Food Chain Information form in relation to a cow without declaring that there was a conflict of interest because the cow belonged to his father and without including his and his practice's contact details with his signature;

2. On or about 30 March 2017 he signed a Food Chain Information form in relation to a cow, also without declaring a conflict of interest or leaving sufficient contact details;
 3. On or about 6 April 2017 he signed an Emergency Slaughter form for a cow without declaring a conflict of interest as above, and that he stated that he hadn't not administered any treatment to the cow within the previous seven days of signing the form when he himself had;
 4. On or about 2 July 2019 signed a Food Chain Information form stating that a cow was fit for travel when it was not;
 5. That his conduct in relation to the proven charges risked undermining public health and animal welfare, and in relation to the Emergency Slaughter Form his conduct was dishonest and misleading.
23. The Committee found Mr Gracey guilty of the above charges. There were three other charges that were found not proven and one allegation was withdrawn by the RCVS.
24. The full decision on finding of facts can be found here: [Gracey, James - Decision on Admissibility and Findings of Fact - Professionals \(rcvs.org.uk\)](#)
25. Committee next went on to consider if the proven charges amounted to serious professional misconduct. In doing so it referred to the Code of Professional Conduct and its supporting guidance, particularly in relation to the 10 Principles of Certification. These principles set out the expectations and obligations, including around honesty and candour, when veterinary surgeons are signing documentation in an official capacity.
26. The Committee stated "that it is satisfied that such conduct, when taken together, would be considered deplorable by other members of the profession. The respondent's conduct on four occasions in respect of four animals and three conflicts of interest called into question his competence in relation to completing such forms." The Committee concluded that Mr Gracey's conduct amounted to disgraceful conduct in a professional respect.
27. The full decision on disgraceful conduct can be found here: [Gracey, James - Decision on Disgraceful Conduct - Professionals \(rcvs.org.uk\)](#)
28. The Committee then went onto consider the appropriate sanction for Mr Gracey, the Committee took into account both mitigating and aggravating circumstances, as well as a number of character witnesses for the respondent who highlighted his positive personal and professional qualities.

29. In mitigation, the Committee considered that Mr Gracey has hitherto been of good character with no previous disciplinary findings, that he had admitted some parts of the charges against him at the outset of the hearing, that he had made efforts to avoid repeating the misconduct and remediate it – this included making alternative certification arrangements for his father’s farm and taking more appropriate care with record keeping. Furthermore, the Committee also acknowledged the significant lapse of time between the date of the misconduct and the hearing and the stress that had caused to Mr Gracey, as well as the insight he had shown into his misconduct.
30. In considering all the factors, the Committee decided that imposing a period of six months suspension from the Register of Veterinary Surgeons was the appropriate sanction for Mr Gracey.
31. The Committee concluded that suspension of the respondent’s registration for a period of six months was proportionate. The Committee considered whether a shorter period was appropriate bearing in mind the mitigating factors it had found applied in this case. It decided that a period of six months was proportionate and the minimum length necessary to meet the public interest balancing the seriousness of the misconduct and the mitigation. It decided that a shorter period of suspension would be insufficient to uphold proper standards within the profession, or to have a deterrent effect.
32. The full decision on sanction can be found here: [Gracey, James - Decision of the Disciplinary Committee on Sanction - Professionals \(rcvs.org.uk\)](#)

Upcoming DC case

33. The DC currently have 6 hearings listed, 1 of which is a restoration hearing and another a resumed hearing,
- 30-31 January 2023
 - 20-24 February 2023
 - 1-2 March 2023
 - 20-23 March
 - 27 – 31 March 2023
 - 24-28 April 2023
34. There is currently one referred case, which will be listed shortly.

Summary	
Meeting	Standards Committee
Date	8 February 2023
Title	Riding Establishments Subcommittee report
Summary	Standards Committee is asked to note this brief update on the work and considerations of the Riding Establishments Subcommittee. The topics discussed are as follows: <ul style="list-style-type: none"> • Feedback to Defra - review of Animal Welfare (Licensing of Activities Involving Animals) Regulations; • Annual meeting; • 2023 Inspector Training and Induction Course; • <i>REIN 2023</i> Newsletter; and • Advice queries.
Decisions required	None
Attachments	None
Author	Vicki Price Senior Standards and Advice Officer v.price@rcvs.org.uk

Classifications		
Document	Classification¹	Rationales²
Paper	Unclassified	

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2 Classification rationales

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Feedback to Defra – review of Animal Welfare (Licensing of Activities Involving Animals) Regulations

1. On 23 November 2022 the Subcommittee met with Defra to provide further feedback for the purposes of Defra's current review of the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 (England), in addition to the Subcommittee's written survey response provided in October. In the meeting the Subcommittee provide feedback on the following specific matters:
 - A. Inspection time and cost - clarifying the role of the vet;
 - B. Proposed RCVS amendments – raising the current three year age minimum to four years and defined preventative healthcare plan;
 - C. Good welfare operators not meeting some standards - is there a need for greater flexibility?
 - D. Out of scope activities: Business test, livery yards, loan of horses and equine assisted therapy/activities;
 - E. Currently not assessed: Riding instruction/safeguarding concerns;
 - F. Effectiveness of star rating and higher standards including public perception.

Annual Meeting

2. The Subcommittee met on 22 November 2022 to discuss and organise the 2023 Training and Induction Course format, annual Q&A sessions; the 2022 audit of inspector's reports; the *REIN* 2023 Newsletter; and its further feedback to Defra on the review of Animal Welfare (Licensing of Activities Involving Animals) Regulations.
3. The Subcommittee agreed to again hold two voluntary annual Q&A sessions open to all inspectors, in early November 2023.
4. The Subcommittee agreed that a piece of work should be done to promote the list of riding establishment inspectors to local authorities, to ensure that all local authorities know where to look to find inspectors. It was also agreed that work should be done to explore whether CPD should be developed to assist inspectors who are increasingly being asked by local authorities to undertake inspections of dog breeding establishments.
5. In the afternoon session of the meeting attended by stakeholders, it was agreed that the Subcommittee would seek input from the Hurlingham Polo Association and Donkey Sanctuary to review its guidance for inspectors on polo establishments and donkeys.

2023 Inspector Training and Induction Course

6. The Subcommittee has agreed that the timeframe for the 2023 Inspector Training and Induction Course will be similar to that in 2022, with webinars to be released mid-May and compulsory Q&A sessions for refreshing inspectors to be held online end of June/beginning of July.

7. The Subcommittee agreed that the webinar part of the course should be moved to the College's Academy online learning platform. Work is currently underway with the Academy team to re-format and update the existing webinars for presentation on Academy.
8. Following completion of the webinar part of the course, new applicants will again be required to attend an in-person training day which will include shadowing of an inspection. The Subcommittee agreed that the Riding for the Disabled Association National Training Centre in Warwickshire where the 2022 training day was held would be a suitable venue for the 2023 day. Refreshers who wish to may also attend the in-person day if numbers allow.

REIN 2023

9. The Subcommittee is currently drafting articles for the 2023 edition of *REIN* and these are currently being collated for publication and circulation to the Inspectorate in Spring.

Advice queries

10. The Standards and Advice Team continue to receive a steady number of enquiries from local authorities, veterinary surgeon inspectors and the owners of riding establishments.
11. Recent queries have related to the following topics:
 - a. Inspecting the premises;
 - b. Minimum age for horses used for riding in establishments;
 - c. Queries regarding the Training and Induction Course.