

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

NICOLA JADE BURROWS

**DECISION OF THE DISCIPLINARY COMMITTEE ON THE APPLICATION
OF MS BURROWS FOR RESTORATION TO THE REGISTER**

1. Ms Burrows' name was removed from the Register following a Decision on Sanction of the Disciplinary Committee dated 11 May 2021.
2. Ms Burrows' applied to have her name restored to the Register by way of an application dated 1 December 2022. In support of her application she submitted the following categories of documents:
 - (a) her Application Submission;
 - (b) CPD certificates covering the courses she has completed during the period since her removal from the Register;
 - (c) letters/informal witness statements from the veterinary surgeons and veterinary nurses with whom she worked before her removal from the Register and who expressed a willingness to employ her again were the Committee to permit her name to be restored to the Register;
 - (d) character references; and
 - (e) reflection statements.
3. In the usual way, the College prepared for this Hearing, a documents Bundle which contained all of the Applicant's documents and, in addition:
 - (a) the Applicant's application for restoration and associated correspondence with the College;
 - (b) the Disciplinary Committee Decisions in relation to facts and disgraceful conduct and on sanction, dated 7 May and 11 May 2021 respectively;
 - (c) the transcripts of the Disciplinary Committee Hearings on 4, 5, 6, 7, 10 and 11 May 2021;
 - (d) The above mentioned documentation relied on by the Applicant. This includes CPD certificates, character references and reflection statements.
4. All of this documentation was reviewed in detail by the Committee in preparation for this Restoration Hearing. It was considered once more during the course of the Hearing and

again during its retirement deliberations, together with the oral evidence that was adduced. What is set out below is but a short summary of that evidence, which was voluminous. In this Decision the Committee does not repeat the findings previously made or the detailed reasons identified previously for the conclusions reached on 11 May 2021 when the decision was made to order that the Applicant's name be removed from the Register. These are to be found on the RCVS Website for those who wish to read them. This Decision proceeds on the basis of those previous Findings and Reasons.

Summary of the Original Charges found proved and the Primary Findings and Reasons of the Committee in May 2021

5. The essence of the allegation against the Applicant was that over the course of a sustained period she dishonestly concealed her horse's true medical history for the purposes of making an insurance claim. During the course of that period, the Applicant repeatedly failed to ensure clinical records within her practice accurately recorded her horse's clinical history, she misrepresented that clinical history to NFU Mutual and either caused or asked others within her practice to provide incorrect information about the clinical history when asked about it.
6. An indication was given by the Applicant's legal representative from the outset of the Hearing that Charges 2 to 9 inclusive, including the sub-charges, were admitted, but that heads of Charge 1 and 10 were denied. Head of Charge 1 alleged that the Applicant had caused or allowed her horse to be registered at her practice under a different name from the one in which the horse was already registered and that she had failed to ensure that the clinical records in both names were adequately consolidated. Head of Charge 10 alleged that she had asked a veterinary surgeon colleague to provide incorrect information regarding her horse. It was also indicated on behalf of the Applicant that head of Charge 11 (namely that her conduct was dishonest) was admitted only in so far as it related to Charges 2 to 9.
7. It was also indicated, on the Applicant's behalf that the Applicant admitted that the conduct alleged in those of the Charges which were admitted did amount to disgraceful conduct in a professional respect.
8. The College called three live witnesses who were all cross-examined by the Applicant's representative.
9. The first witness was Mr Ian Camm MRCVS, the Regional Director of CVS Equine West 2. Mr Camm gave evidence regarding his investigation of the concerns that had been raised regarding the Applicant's conduct by the NFU veterinary adviser.
10. The second was Mrs Harriet Lawrence, MRCVS, the Senior Clinical Director of CVS Limited who conducted the disciplinary interview with the Applicant.

11. The third was Dr Kate Davison, MRCVS, a veterinary surgeon formerly at the practice where the Applicant worked who had been involved in endoscopic examination of the Applicant's horse following the Applicant's return from holiday around November 2017 and confirmed that the Applicant had subsequently asked her to lie as to the date of this procedure if she (Dr Davison) was ever to be asked about it by Mr Camm.
12. The Applicant also gave evidence and was cross-examined. She maintained her denials in respect of heads of Charge 1(a), (b) and 10. The witness Kelly Barrett, who had looked after the Applicant's horse whilst she was on holiday in 2017, was called on the Applicant's behalf to give evidence and was cross-examined.
13. The Disciplinary Committee found the facts in heads of Charges 1 to 11 proved and the Committee's findings can be found in the (Stage 1) Findings of Fact Decision.
14. In its Opening Submissions, the College contended that the Committee made the following findings in relation to Charges 1(a), 1(b), 10 and 11 in so far as they related to Charges 1 and 10 which had not been admitted by the Registrant - and this Committee agrees that the College's summary of the Findings and Reasons is an accurate and fair account of those Findings and Reasons:
 - a) In so far as Charge 1(a) was concerned, the Committee was satisfied that the Applicant had caused or allowed a second registration to be created at her practice for her horse, Matinee Gold (the horse already having been registered in the name Honey);
 - b) The Committee considered that the creation of a second registration was consistent with the Applicant's desire to conceal the horse's previous medical history, and noted the admissions made by the Applicant in this regard to Mr Camm;
 - c) The Committee took into account the note of the Applicant's disciplinary interview with Mrs Lawrence and the evidence of Mrs Lawrence and did not accept the Applicant's assertion that her admissions made therein in respect of Charge 1(a) had been made due to stress;
 - d) The Committee gave the Applicant some credit for admitting her other failures in the other charges but recognised that in relation to the charges that she had admitted she had been "*...faced with the evidence of the telephone transcripts*";
 - e) In so far as Charge 1(b) was concerned, the Committee was satisfied that the Applicant was under an obligation, having known the second registration had been created, to ensure that the records had been consolidated and/or cross-referenced and that she had failed to do so;
 - f) In so far as Charge 10 was concerned, the Committee relied on the evidence of Dr Davison and concluded that, whilst there was "*admitted tension*" between the Applicant and Dr Davison around the time of the events that formed the basis of the charges that did not undermine the truthfulness of Dr Davison's account;
 - g) The Committee found Dr Davison to be a truthful and reliable witness and accepted her account that the Applicant had asked her to provide incorrect information to Mr Camm;

- h) The Committee noted, in relation to charge 11, that the Applicant had conceded that if it found charges 1(a), (b) and 10 proved, that a finding of dishonesty would follow;
- i) The Committee found that the Applicant's conduct in relation to charges 1(a) and (b) had been because she had not wanted the NFU to find out about her horse's history and that this state of mind was "...dishonest, according to the standards of ordinary decent people";
- j) The Committee had found it proved that the Applicant's conduct in asking Dr Davison to provide inaccurate and dishonest information to Mr Camm was also dishonest according to the standards of ordinary decent people";

15. The Committee determined that the Applicant's conduct, as found in Charges 1 to 11 inclusive was serious and properly categorised as deplorable conduct and it found the Applicant guilty of disgraceful conduct in a professional respect.

16. The College drew this Committee's attention to the following points from that Decision to order that the Applicant's name be removed from the Register:

- a) The Committee found that the Applicant's conduct, as found proved, breached the requirements of Paragraph 6.5 of the Code of Conduct for Veterinary Surgeons (*not engaging in behaviour likely to bring the profession into disrepute/undermine public confidence in the profession*);
- b) The Committee noted that the conduct had involved a degree of pre-meditation and concluded that therefore there had been a clear intention to make a financial gain from the conduct, by making a dishonest insurance claim and also noted that the conduct had continued over a period;
- c) The Committee found that the Applicant had abused her professional position in some respects, such as by relying on her working relationship with Dr Davison to attempt to obtain her collusion in covering up the history of clinical investigations;
- d) The Committee noted that no actual harm had been caused to an animal or person and that, whilst there had been an attempt at, there had not actually been any financial gain. It also noted that it had not been informed of any previous regulatory findings against the Applicant and that the Applicant had admitted a number of the charges before the Committee, had apologised for her associated conduct, and had, in the Committee's view, displayed a "...*limited degree of insight*".

17. The College contended that the Committee's Decision on Sanction raised the following points for the Committee's consideration:

- a) The aggravating features, which were noted as being that:
 - i. This case involved "...*a lack of honesty and integrity on the part of the Applicant, by her sustained false representations to the NFU, and having caused or allowed the creation of the second registration.*";
 - ii. There had been both a degree of "...*pre-meditation and an attempt to make a financial gain, although no gain was received...*";
 - iii. The Applicant had "...*abused her professional position by involving Katie Pretty in the insurance claim*";

- iv. Whilst the conduct that the Committee found proved involved one “*insurance claim*”, there had been “...*a number of dishonest actions carried out over a period of 5 months.*”.
- b) The mitigating features, were identified as being:
 - i. The Applicant had “*shown some insight into matters*”, and had further developed her insight by the sanction stage of the Hearing and that her evidence in this regard had been “*genuinely given.*”;
 - ii. There had been “...*no harm to any animal.*”;
 - iii. The Applicant had “...*admitted many of the Particulars of the Allegation, including dishonesty and disgraceful conduct at the start of the hearing.*”;
 - iv. There had been a lack of previous regulatory findings and the Applicant was of previous good character;
 - v. The Applicant had been subject to a series of “*unfortunate circumstances*” around the time of the events, which included some “...*very challenging personal life events*”. However, the Committee did not accept that there was “...*necessarily a connection between these circumstances and the decision to engage in financial dishonesty.*”;
 - c) The Committee noted that the Applicant had “*yet to develop full insight into her conduct*” as she appeared to have come “...*slowly to a realisation that her conduct had been dishonest.*” She also had “...*not recognised the full effect that her dishonesty had on public confidence in the profession*”;
 - d) The Applicant had not “...*undertaken any appropriate CPD or other professional courses on relevant subjects*”;
 - e) Whilst it had noted the positive character evidence and testimonials that had been provided and the Applicant’s deep regret for her actions, the “...*sustained dishonesty as set out in the charges represented a significant assault on public confidence in veterinary surgeons in general and the standards that were expected.*” This level of dishonesty meant that the Committee gave less weight to the Applicant’s personal mitigation evidence;
 - f) The Committee determined that the Applicant had “...*put her own interests ahead of those of the public and undermined the trust that underpins the relationship with insurers*”;
 - g) The repeated dishonesty in the case in all the circumstances could not be met other than by directing the Applicant’s name be removed from the Register;

Approach of the College to this Application for Restoration

18. The College produced a written Opening in which it set out the history of the Hearing in May 2021. It identified the matters which the Committee had set out in its Decision and invited the Applicant to address these at this adjourned Hearing. Otherwise, as is the practice, the College did not adopt any specific stance on the Applicant’s Application for Restoration. That is because such a decision is essentially one for the Committee to reach.

19. The College stated that it is a matter for the Committee's judgment as to whether the Applicant has satisfied it that she is fit to be restored to the register, taking into account the factors set out at paragraph 85 of the Disciplinary Committee Sanction Guidance 2020.
20. The College invited the Committee to consider the following in relation to the factors set out at paragraph 85:
- i) Whether the applicant veterinary surgeon has accepted the findings of the Committee at the original inquiry hearing – The College notes that, in her written application, whilst the Applicant refers to having reflected on the Committee's findings, acknowledging her mistakes and taking full accountability for her actions, she does not go as far as to state that she accepts the Disciplinary Committee's findings from May 2021.
 - ii) The seriousness of those findings – The Committee found the Applicant's conduct, as proved, extremely serious and justified removing the Applicant's name from the register.
 - iii) Whether the applicant veterinary surgeon has demonstrated insight into his or her past conduct – In her written application, the Applicant refers to having learned from her mistakes, taking full accountability for her actions and relies on the numerous CPD courses that she has undertaken as evidence of her insight. However, the College noted that there remained a significant focus in the Application on the impact of the Committee's decision on the Applicant herself. The College also noted that, as was the case before the Committee last May, there would still appear to be a lack of recognition on the Applicant's part of the impact and extent of her actions.
 - iv) The protection of the public and the public interest – The Committee will need to consider whether the reputation of the veterinary profession, and public confidence in the profession, would be significantly undermined if the Applicant were to be restored to the register.

The Applicant's Documentary Evidence in support of her Application for Restoration

21. This is set out in more detail and comprised:

- (a) Petplan course certificates – one of which concerned a module on "How to discuss Pet Insurance"
- (b) A list of CPD courses attended
- (c) A proposed mentorship and Return to Practice Programme prepared by Dr Bird MRCVS, a veterinary surgeon and co-director at Vets4Pets, Cardiff Bay.
- (d) Two letters from Dr Reilly MRCVS, who would be her mentor.
- (e) Two letters from Helen Navran RVN, co-director at Vets4Pets, Cardiff Bay, who would employ the Applicant if she were to be permitted to resume practice and confirming the shadowing and observation work undertaken by the Applicant since January 2022
- (f) A Probity and Ethics in Practice Statement prepared by the Applicant covering the Course she attended on 20 April 2022
- (g) An account of her Rehabilitation Programme as prepared by the Applicant
- (h) A letter from Dr Bird covering her dealings with and knowledge of the Applicant and her work as a receptionist and her efforts at updating her learning.

22. This set of documents presents an impressive body of evidence to support a conclusion that the Applicant has done all that could reasonably be asked of her to ensure that her skills set as a veterinary surgeon has been maintained.
23. The Committee carefully considered this body of documents in addition to the oral evidence of the Applicant and her witnesses.

The Witness Evidence

The Applicant:

24. The Applicant made a detailed Opening Statement in support of her Application which advances the following points:
 - a) The period since her name was removed from the Register has been an extremely difficult 20 months in all aspects of her life, during which she had experienced some extreme lows, along with some positive and inspiring moments;
 - b) She emphasised her full and unconditional acceptance of the Committee's findings in May 2021;
 - c) It was extremely difficult for her to accept and fully understand the Committee's findings and subsequent Sanction during and after the hearing in May 2021. She acknowledged and now understood that during that Hearing and shortly after, she had only limited insight into her dishonest actions and the impact they had on the third parties involved. She now appreciated that you cannot show full insight when you have not accepted your wrongdoings and, at that time, she had not truly been able to acknowledge the dishonest actions she had taken;
 - d) Removal from the register had been the most traumatic time of her life. However she now realises, with developed insight, that as painful as it was at the time she only had herself to blame for her actions and she understands and accepts that the penalty needed to be severe given the serious breach of trust to the public, to the veterinary profession and the insurance industry that was a direct consequence of her dishonest actions;
 - e) She had taken a considerable amount of time, and required help, to truly accept and understand all of the Committee's findings. She can fully appreciate and completely understand how and why the Committee came to their decision and recognises that her conduct, dishonesty and prolonged actions were far removed from what is expected of a veterinary surgeon. She now understands that removal from the register was the only appropriate sanction;
 - f) These statements by her were not easy for her to say easily and she is not proud of her previous actions. Instead, she is deeply remorseful and embarrassed. Her level of deception and dishonesty was and is, uncharacteristic and it is hard to believe that she became that person. However, beginning the process of developing insight had developed from her acceptance of the Committee's findings;
 - g) The evidence provided in the Hearing Bundle, including extensive CPD certification, which has been her main focus over the past 18 months, so that she could focus on moving forward in a positive way and address each and every issue that she could;

- h) During her original Hearing and certainly during 2017/2018 she had allowed herself to follow a path that became very self-involved with tunnel vision. The past several years had been extremely traumatic, and she had become very withdrawn and introverted. With hindsight, she fully accepts that she did not consider at any point how the severity of her actions affected the public's confidence in her and in the veterinary profession;
- i) She acknowledged that at the time she deliberately and knowingly deceived others by her actions during a period of several months and did not consider the damage that would be done to the "delicate" (as she put it) relationship between a veterinary surgeon and an insurance company. She accepted that her conduct broke that essential trust and that her actions fell well below the profession's required standards. This is something that she deeply regrets, and she had spent a considerable amount of time identifying, with insight, how she could start to restore that essential professional trust and integrity;
- j) She took on the role of receptionist in the Vets4Pets practice and this required her to deal directly with members of the public and their insurance requests and entitlements. She had taken part in regular and relevant insurance CPD and had had both formal and informal clinical supervision to help her reflection and gain insight into her conduct. As a result of her involvement over the past 18 months in processing insurance claims, she truly acknowledges the "delicate" relationship between a veterinary surgeon, the client and the insurer. She recognises the absolute need for transparency and honesty from all parties and how she clearly breached that obligation. She unconditionally accepted that the public's interest was compromised by her actions and she could assure this Committee that the public's interest and the profession's interest is now at the forefront of her actions;
- k) This development of further insight became an important part of her job as a receptionist and it allowed her to recognise the need for contemporaneous and clear clinical notes, which are dated, timed and initialled. This is something that she has become accustomed to and will implement as a veterinary surgeon if she is reinstated;
- l) Recognising her dishonesty and why she behaved that way has been one of the most difficult findings for her to accept. She had embarked on the professional ethics course identified in the Hearing Bundle documentation to assist her rehabilitation, her reflection and full development of true insight. It was a difficult and emotional experience. However, that was the first time that she experienced full acceptance for her actions. She now appreciated that, in order to learn from her mistakes, to move forward and to make sure they are not repeated, she had to come to terms with her dishonesty and to understand why she carried out those actions and behaviour. This had been a lengthy process for her but it was one that she was committed to wholeheartedly;
- m) She could now see and understand why she had had little insight into her conduct back in May 2021 at the Disciplinary Hearing. It was because she had not fully accepted her actions and the Committee's Findings. She had since been able to continue to develop further insight and was now fully remorseful for her actions. Most importantly she stated that she now understands how she ended up in that position. She had taken and would continue to have safeguarding measures in place to assure herself and the Committee that these actions would never be repeated;
- n) This she would achieve with the support of her employer, Vets4Pets by continuing to implement a robust rehabilitation programme, with continued CPD in all relevant areas.

Should she be allowed to practise again, her employer would implement a RCVS recognised mentorship programme, which would be overseen by her directors, Dr Bird and Ms Navran. Supervision from Dr Reilly (Surgical Director) would also be available. She asserted that together this team would ensure that she had the correct level of support so that she can return to work safely. They would have all necessary safeguarding measures in place to ensure that the public's and the profession's interest is always at the forefront. This statement was further reinforced by the witness statement of Dr Bird and the written and oral evidence of Ms Navran and Dr Reilly;

- o) She additionally offered to provide regular evidence to the RCVS regarding her progress and return to practice and would implement any other measures the Committee might feel are appropriate;
- p) She next addressed the subject of the mental health and mindfulness courses she had attended. She stated that she used to see herself as a strong and determined individual, but the professional ethics course allowed her to recognise and develop further insight into the factors surrounding and affecting her at the time of her misconduct, which may have contributed to her poor conduct. She now realised that, despite thinking she was strong and determined, she was at the time scared to ask for help, struggling in a difficult working environment as a newly qualified young veterinary surgeon. She did not recognise at the time that she needed help. She had spent a lot of time reassessing her life and had spent a lot of time working on her mental health, gaining confidence and knowing that she now has the ability to ask for help, to recognise that asking for help is not a weakness. It takes a courageous person to ask for help and guidance;
- q) The professional ethics course allowed her to explore, relive and understand the causes surrounding her at the time. It also helped her to understand that despite these causes, she alone was solely responsible for her actions. She learnt with a deep level of insight, that despite the many issues surrounding her at that time, she did not deal with them correctly and therefore allowed herself to act dishonestly and to choose the wrong actions. However, she now has the capability and confidence to recognise any future causes and to make sure that her actions are appropriate and what is expected of a veterinary surgeon working to the highest standards;
- r) It took a considerable amount of time, research and funds to find an appropriate and worthwhile professional ethics course. She considered that she had benefited immensely from the course she attended. It was only because of these courses she attended, together with the continued support of her employer and her passion for the veterinary profession that she gained the confidence and courage to submit her application for restoration;

25. She ended her statement by assuring the Committee that, if she were permitted to return to practice every aspect of her work as a veterinary surgeon would be carried out to the highest standard and approached with the utmost care, diligence and transparency and honesty; that this would always be central to her future practice as a veterinary surgeon; and that she would continue to invest time and effort to make sure that her practice is regularly reviewed and assessed by her employers in her return to work proposal.

The Applicant's Evidence on Affirmation:

26. The Applicant considered the professional ethics course to be very important. It involved other people who were in a similar position to herself. The delegates discussed what they had done and their reasons. She considered that process to be hugely beneficial to her. The hardest part had been coming to terms with what she had done. It was difficult to recognise and admit her dishonesty in that setting but, once she understood why she had done it, it allowed her to move forward.
27. Insurance was the next issue she addressed and she stated that she accepted that she had “disrespected” the position of the insurance company affected by her conduct. She acknowledged the damage that was done to the public’s confidence in the veterinary profession by her conduct. She went on to say that the fact that her employer saw fit to trust her to handle and submit insurance claims had been important to her rehabilitation.
28. The applicant received significant support from her employer for her rehabilitation programme. They not only allowed her to handle insurance claims but they permitted her to observe clinical practice and to be involved in discussions about their processes, diagnoses and clinical decisions. Her employers had also permitted her access to clinical CPD courses. This addressed her fear of becoming de-skilled as a veterinary surgeon. She had also been allowed to discuss her conduct with colleagues at the practice. Added to that she had enrolled in March 2022 on a mental health course which entailed 14 seminars. These courses helped her to understand stressful situations and how to address them. This acquired knowledge will assist her in future and she believed it helped her to understand why she did what she did and how to ensure that she would better handle such stress. To that end she had arranged to lead a practice discussion on mental health issues on 31 March 2023.
29. She next informed the Committee that she had gained a Veterinary Receptionist Award. She considered this to be important because she wants to be the best at what she does, even if it was not a veterinary surgeon’s role.
30. The final topic that the Applicant dealt with in her evidence concerned her intended Mentorship Programme. Dr Bird is a recognised mentor for new practitioners and would be involved in her return to practice activities. Her employer, Vets4Pets, had offered her a part-time post covering 2-3 days per week. She would be observed in the surgery; she would discuss the clinical aspects of her work with the other practitioners. She had agreed that she should be treated as a New Practitioner and would be supervised as such. There would be weekly meetings with Dr Bird and the other directors of the practice. She would only be left to practise on her own when they were satisfied that that was appropriate. Dr Riley would be her external mentor and someone she could contact at any time.
31. When Cross Examined by Counsel for the College about the details of the Charges she faced and the Findings of the Committee in March 2021, she accepted that she carried out the actions in question. She was scared and ashamed to admit what she had done at that time, but stated that she was not naturally that person and she is not that person now. To accept all of those charges was difficult and she did not then know how to come

to terms with what she had done, because she could not believe that she was that person who had performed such acts. However, she stated that she had worked hard to be able to accept that she had conducted herself that way. When questioned about the future the Applicant stated "I believe and hope that it would never happen again".

32. The Applicant was then asked questions about her insight into her conduct and the original Committee's finding that she lacked such insight. She stated that she had said she had not at the time received insurance training but did not say that to make excuses today for her conduct. She did then know that the relationship with insurers was delicate but she was then very tunnel minded and thinking only of herself. However, now that she has been working so extensively with members of the public in her role as a receptionist she has a wider view and perspective of the relationship with insurers. She emphasised that it was not an excuse to say that she had not had insurance training. Instead what she was seeking to say is that with the training she has now had and the insight she had secured, she has a better view of the entire system.
33. When asked whether she recognised the significance of her level of dishonesty, the Applicant answered "Yes and also that it was dishonesty over a period of time. I had to take time to understand why that had occurred ... It has been the most difficult thing for me to accept that I was that person at that time. I recognise its severity and the length of time it continued."
34. It was pointed out to her by Counsel for the College that the original Committee did not accept that the circumstances in which she found herself at that time explained her dishonest conduct. The Applicant's responses were that she had taken a personal journey over the last 20 months. She had learnt to manage those stresses better. At the time she took catastrophic decisions because she had not learnt to manage her personal circumstances. She has now learnt to manage her personal life because it impacts on her professional life and she has taken steps to ensure that she has the right support and mentorship.
35. In answer to questions put to her by members of this Committee, the Applicant gave the following responses. She asserted that she had said that her conduct in 2021 had been uncharacteristic because she had not done anything like this previously and that she had been known, generally, to be honest as is attested to by the references she had provided.
36. When asked directly whether she was going to start her own practice if returned to the Register, the Applicant stated that she had a huge interest in equine dentistry and that she would want to keep doing such work. As regards a time-scale she indicated that it would take place over the next 12 months. She needed to rebuild her confidence as a practising veterinary surgeon; she wanted to undertake equine dental CPD; and she had been too scared to look beyond this application in making specific plans for the future.
37. The Applicant was also asked what recommendations she would make for veterinary surgeons who were seeking to secure insurance for their own animals. She answered by

saying that she would recommend that ideally another vet should do one's insurance work.

38. Finally, when asked about the impact of her conduct on the confidence of the public, on her profession and on the insurance industry, the Applicant stated that insurance fraud destroys such confidences. She did not recognise that at the time but the knock-on effect on others was huge. Not only would the public lose confidence in the profession but, in addition, insurance companies would increase the premiums they would charge members of the public seeking insurance protection.

Dr Reilly:

39. When Dr Reilly gave evidence she confirmed that she knew of the details of the charges which the Applicant had faced, of the findings of the Committee and of the decision on Sanction. She spoke of her working relationship with the Applicant when she was with Vets4Pets, where Dr Reilly was a surgical director. She confirmed that as a receptionist the Applicant had dealt with lodging insurance claims for clients of the practice, and that she had been allowed to undertake non-clinical work. She found the Applicant to be continuously professional with all clients and with the other members of staff. She had maintained a very positive and hard-working attitude. Importantly she had found her to be trustworthy at all times. Her view was that the Applicant was ready to return to practice. She had undertaken personal counselling, had demonstrated a deep and true understanding of her dishonesty and had shown an ability to recognise her mistakes. Dr Reilly was confident of the Applicant's abilities and honesty. As regards the future she had agreed to continue to mentor the Applicant; the Applicant had agreed to discuss her CPD requirements and she would provide her with clinical and ethical support. Dr Reilly stated that the profession is lacking in experienced veterinary surgeons. This Applicant would return to being a good veterinary surgeon; she had learnt from her time off the Register; she will uphold the public's confidence in the profession; she had developed insight and understanding into the importance of that requirement and she will (in Dr Reilly's view) uphold that completely.

40. Neither the College nor the Committee had any questions for Dr Reilly.

Helen Navran:

41. Ms Navran is a Registered Veterinary Nurse and co-director of the Vets4Pets branch where the Applicant works as a receptionist. She too confirmed that she was aware of the previous Hearing and Findings of that Committee and of the serious nature of those Charges and Findings. She stated that when working as a receptionist in the practice the Applicant had been a very positive presence. She considered that the Applicant was ready to return to practice. She had proved to be very reliable and had undertaken ethics CPD and had joined the WhatsApp group at the practice to allow her contact with the veterinary surgeons there on clinical issues. The Applicant would be treated as a new graduate by the practice if she was returned to the Register and Dr Bird would be her mentor. She offered to provide the College with evidence of the Applicant's progress after re-admission were that to be allowed. She considered that the Applicant would be a

benefit to her practice and to the profession. She had been a very positive influence and had bonded with the clinical team.

42. Neither the College nor the Committee had any questions of Ms Navran.

Closing Submissions for the College:

43. In a short submission Counsel invited the Committee's attention to the contents of paragraph 27 of her Opening Submission and the factors identified there and the reasons why the College considered them to be important matters for consideration by the Committee.

Closing Submissions by the Applicant:

44. Dr Burrows repeated that she fully accepted the Findings of the original Committee and what was said about the extent of her dishonesty, which she said was unacceptable. She maintained that she would never again abuse her position as a veterinary surgeon. She was truly and genuinely remorseful. There would be no repetition of dishonesty. She now recognised trigger events. She now had deep insight and was remorseful. She accepted her responsibility to uphold professional standards. She had a planned and controlled return to work plan which she would follow. Her love of the profession had never wavered during this difficult period she had been through.

The Committee's Approach and its Findings

45. The approach which this Committee has adopted when considering the Applicant's Application for Restoration is as follows. First, it accepts the Advice given by the Legal Assessor which was that this Disciplinary Committee must consider whether the Applicant is fit to be restored to the Register and return to future practice as a veterinary surgeon. The Disciplinary Committee must also consider the public interest. These are the 2 primary considerations to which the committee should have regard when deciding this Application for restoration.

46. The burden is upon the Applicant to satisfy the Disciplinary Committee, on the balance of probabilities, that she is fit to return to practice. The factual assertions by the Applicant may be proved on the balance of probabilities where they are in dispute. Where the College is not in a position to positively dispute factual assertions made by the applicant, it is still a matter for the Committee to consider those assertions and decide whether, on the balance of probabilities, it is satisfied that they are made out.

47. The Committee considered all of the evidence presented by the Applicant in this case and that includes the written evidence submitted in support of her Application for restoration.

48. This Committee has adopted the following structured approach, as it has done previously in Applications of this kind.

49. The first issue it addressed is whether the Applicant has accepted the findings of the Committee at the original inquiry hearing; and shown remorse. This Committee's view on this issue is that, Ms Burrows does now accept the findings of dishonesty that were made against her at the original enquiry hearing. She has now stated that she acknowledges that her conduct was dishonest. In her Reflective Statement she does expressly state that veterinarians have a professional responsibility to ensure the integrity of veterinary certification; that she is now well aware that when signing documents as a veterinary surgeon those documents need to be approached with care and accuracy; that she has undertaken a CPD course on this very ethical issue and has passed the examination set at the end of that course; and that she solemnly declared her resolution to ensure the protection of animal welfare in all her future professional endeavours, which would include a requirement on her to invest time and effort in keeping up to date with protocols and best professional practices. The evidence of Ms Burrows is that this is an issue which she will ensure is addressed further by her in the future.
50. The Committee's view is that the evidence the Applicant gave on affirmation was very believable. The language she used when explaining her present acceptance of the original Committee's findings was appropriate. She was able to talk about the level of her dishonesty; that there was no one else to blame but herself for what she had done; and that she had deceived people. It considered that the Applicant now accepts her dishonesty together with the gravity of her dishonesty. The Committee also formed the view that the steps she has taken to address her dishonesty serve to confirm that she is passionate about the prospect that she be allowed to return to practise.
51. The Second Issue concerns the seriousness of the findings of the original Committee as set out in its Decision of 11 May 2021. As was stated in the Decision of May 2021, this Committee is also of the view that the Applicant's conduct constituted a very serious breach of her duties as a member of the RCVS, in particular her obligations as a Registrant who submits insurance claims. This duty was, if anything, all the greater when a veterinary surgeon submits a claim in relation to a horse that was owned by her. Her conduct involved another veterinary surgeon and a member of the practice's administrative staff. This conduct was exacerbated by her requirement that those witnesses give evidence at her original Hearing and be subjected to cross examination. However, even accepting that the Applicant's conduct was serious and involved a period of covering up, the Committee does not consider that it is conduct which is incompatible with her being permitted to return to practise. Such incompatible conduct clearly does exist but this dishonesty does not fall into that category in the view of the Committee, particularly having regard to the mitigating factors identified by the original Committee (no financial gain was in fact achieved and no animals were harmed) and the steps taken by this Applicant to rehabilitate herself since the May 2021 Hearing. The issue remains whether this Applicant should be allowed the opportunity to show that she has changed and that there will be no repetition of dishonest conduct by her in the future – and this issue is addressed further below.

52. Issue Three concerns whether the Applicant had demonstrated insight into her past conduct. This Committee is now satisfied that the experience of her initial disciplinary hearing and the learning journey she has undergone since then (identified by her and implemented by her alone at some financial cost) has driven home to her in the clearest of terms that issuing of false insurance claims is wholly unacceptable conduct from a member of the veterinary profession and that such conduct will result in the ultimate sanction of removal of the author's name from the Register. The CPD courses which she undertook will have reaffirmed that view, as will the further CPD that will be required of her.
53. It is the view of this Committee that the Applicant now does have good insight into her past conduct. It has reached this conclusion as a consequence of the way she answered the questions put to her when she gave evidence. These established that she was able to admit that she had not previously accepted the full extent of her dishonesty whereas today she advances no excuses for that conduct. She has been open and transparent with her professional colleagues about her dishonesty and that, of itself, shows a not insubstantial degree of insight. She acknowledged that it had taken her some time to realise the extent of her dishonesty, that it had come as a shock to her and that it hurt her to realise the extent of that dishonesty. The Committee found her to be a truthful and credible witness when she spoke of her current levels of insight into her past conduct. It considers that she may have been helped to this understanding with assistance from her colleagues and working as a receptionist trusted to deal with insurance claims on behalf of clients of the practice. The important conclusion the Committee has arrived at on this Issue is that this Applicant has now developed a very good and considerable insight into the gravity of her misconduct and why the original Committee resolved that the only proper sanction that could be imposed for such misconduct was removal from the Register.
54. The Fourth Issue the Committee has addressed is whether restoration of her name to the Register would provide protection to the public and the public interest. As regards the need for protection of the public from the Applicant the Committee is satisfied on this evidence that the Applicant is not an inherently dishonest person. She has been dishonest on one occasion, albeit she perpetuated that dishonesty by denying it at the Hearing in May 2021. The Committee has reached the conclusion that she has been humbled by her experiences since her name was removed from the Register. This serves to explain her CPD efforts and her decision to undertake a professional ethics course. She has also undergone a prolonged period of reflection – see her Reflection Statement in the Hearing Bundle. She now understands that her dishonesty against the insurers was and is very serious.
55. As regards the issue of the public interest, the first question to be asked is whether on the known facts there was a likelihood of repetition and, if so, what steps have been taken to guard against that. Those who gave evidence and provided witness statements are convinced that there will be no repetition of this misconduct and the Committee is also so persuaded. Further the insight that the Applicant has gained since her removal from the Register is such that it is considered that she has taken appropriate steps to

ensure that she will not react to the personal pressures that she was under at the time of the commission of her dishonest conduct in the same way again but will, instead, recognise when she needs to take counsel and advice from her professional colleagues on matters of professional conduct and ethics. Another relevant factor which falls to be considered in relation to this Issue is the public need for competent and experienced veterinary surgeons to be able to practise and the risk of such a practitioner becoming de-skilled if not permitted to return to practise for an extended period of time.

56. The Fifth Issue for the Committee was whether there was a risk to animal welfare in the event that this Applicant's name were to be restored to the Register. The College submitted that there was no such risk which the Committee accepted.
57. The Sixth Issue for the Committee was the question of the length of time the Applicant has spent off the Register. She has been unable to practice for a period of now almost 20 months. The conduct cited in the Charges she faced took place in 2017/2018 and so she has been under a cloud and had this matter hanging over her for some time now. The Committee recognises that suspension is a lesser sanction and can be for as long as 2 years. However, the Procedure Rules do permit an application for restoration to be made once 10 months has elapsed from the date of removal from the Register. In practice it is likely that 12 months will have elapsed before a restoration hearing could be arranged and, in this instance, some 20 months have elapsed since her name was removed from the Register. Further, it is to be noted that when a sanction of suspension has been imposed the veterinary surgeon in question can return to practise without having to satisfy a Disciplinary Committee of his or her fitness to do so. This is something this Applicant has had to establish and to satisfy the Committee that the various criteria set out in the Guidance have been met. This has necessitated her period of reflection into the level of seriousness of her misconduct which has proved a painful (but necessary) experience. She has been obliged to examine her misconduct in detail and to accept its seriousness. She has chosen to take a post as a receptionist in a veterinary practice where she was previously working as a veterinary surgeon.
58. The Committee is also mindful of the fact that its role is not to punish a practitioner but to protect the interests of the public and the profession and notes that practitioners should be allowed to return to practise if those interests can be protected.
59. The Seventh Issue concerns the Applicant's conduct since removal from the Register. This Committee finds that her conduct has been entirely acceptable. The Committee was impressed by the evidence of Dr Reilly. The Applicant's desire to return to practise as a veterinary surgeon has been confirmed by her willingness to accept a role as a receptionist in the practice. The Committee considers that she could have taken another role but she chose to continue to work in the veterinary field. The Committee is impressed that she took her qualifications as a veterinary receptionist seriously and that she worked hard to ensure she performed those duties and responsibilities to the best of her ability. She has used the intervening time to improve her knowledge and understanding of the importance of maintaining her mental health and seeking assistance from colleagues.

60. The Eighth Issue concerns the evidence demonstrating the efforts by the Applicant to keep up to date in terms of knowledge, skills and developments in practice, since removal from the Register (accepting that he or she must not practise as a veterinary surgeon). The Applicant has presented a detailed return-to-practise programme which has been supported by senior colleagues. The Applicant has respected the boundaries of the prohibition against practise as a veterinary surgeon. She has been fortunate to have had a supportive employer during her period off the Register. This has enabled her to have access to the practice's CPD services and she has been allowed access to the pre and post discussions of the practice's veterinary surgeons concerning their treatment and surgeries on their animals. Accordingly, the Committee is satisfied that she has been able, in these ways, to maintain her knowledge of current veterinary practices and skills.
61. Finally, the Committee has given careful consideration to the issue of whether the Applicant had satisfied it that she is fit to return to unrestricted practise as a veterinary surgeon and that restoration is in the public interest.
62. The Committee has been mindful of the fact that the Applicant was unrepresented legally and has been prepared to make appropriate allowances for that fact. It has been apparent from the delivery of her case and submissions that she has gone to great lengths to face up to and address the issues which this Committee has had to consider when adjudicating on a restoration application, painful though that process has been for her on a personal level. It considers that since her disbarment in May 2021 she has equipped herself well in challenging circumstances. She has learnt from and gained insight as a result of the CPD courses she has identified and attended. It considers that she answered the questions that were put to her in cross examination and by the members of this Committee honestly and truthfully. Those answers in the judgement of the Committee revealed her understanding of the relevant issues and what needed to be done by her in the future. In this she will be supported by Dr Reilly who said that she would be the Applicant's ethical and clinical mentor. Dr Reilly's decision to assist the Applicant in this way is laudable as there is no obvious advantage to her in providing this support. She even stated that she would work with the Applicant outside the work sphere in providing emotional support. Dr Reilly was a witness with whom the Committee was impressed and considers that she has a full understanding of the issues in this case.
63. The support that the Applicant will receive in the future extended to the measures which Ms Navran, a director of Vets4Pets will implement for her. She has provided the Applicant with significant support to date in the respects identified above. The Committee is satisfied that that support will continue into the future. The benefits for the practice have been that the Applicant worked assiduously and well when asked to work as a receptionist, she blended well with the veterinary team at that practice and showed that she would be an asset to the practice were she permitted to return to practise. The plan is that the Applicant would work for the practice 2-3 days per week. It follows that Ms Navran is willing to put her practice's reputation on the line when taking on the Applicant as one of its veterinary surgeons. The Committee found Ms Navran to be an open

witness and one who is clearly supportive of the Applicant's request for restoration to the Register.

64. The Committee has also been impressed by the fact that busy professionals in the form of Dr Reilly, Dr Bird and Ms Navran have chosen to give up their time to provide witness statements and/or to give evidence in support of this Application.
65. The Committee has been impressed by the Applicant and the evidence she gave. She demonstrated humility and a full understanding of the gravity of her past misconduct. Her disbarment came as a great shock to the Applicant and the Committee is satisfied that she will ensure that she maintains the highest standards of probity and honesty in the future. The Committee considers that she is fully aware of the fact that were she to fail again in the future she will have no prospect of returning to the practice of veterinary medicine. A return to practise is something which the Committee is persuaded that she is passionate about. She has made a substantial effort to face up to the enormity of her past misconduct, to understand that she needs to turn to colleagues for guidance and support in times of stress and to comprehend why her misconduct was considered so serious by the Committee which ordered her name to be removed from the Register.
66. In reaching its conclusions on the issue of whether the Applicant has satisfied it that she is fit to be restored to the Register and that to allow her to do so would be in the public interest, the Committee has reminded itself that it is not its primary role to punish (although that may be the consequence of its decision) but to ensure that the public interest is protected and the welfare of animals is ensured. It is in the interests of the public that competent and experienced veterinary surgeons should be permitted to practise. The Committee is satisfied that this Applicant, through her own efforts and with the support of the practice for which she has been working, remains a competent and experienced veterinary surgeon. For the reasons set out above, the Committee is also satisfied that she will not act dishonestly in the future but does instead have a proper understanding of her obligation to maintain the very highest standards of honesty when working as a veterinary surgeon, precisely because that is what the public rightly expects of such professionals.
67. The Committee considers this to be an exceptional case involving a veterinary surgeon who has gone on a painful journey, over the last 20 months, of personal examination which has enabled her now to fully comprehend the reasons why her profession demands the highest standards of honesty from its members and why the public expect that such standards will be maintained by the College. There is a balance to be struck between the risk inherent in a long period of prohibition from practice to signify the Committee's view of the seriousness of the misconduct committed by the Applicant and the risk that a long period off the Register will inevitably result in a de-skilling of the veterinary surgeon so that he or she cannot satisfy a Committee that he or she can safely be permitted to return to practise. The striking of this balance is not made any easier by the absence of any power in a disciplinary committee to impose conditions on a person's return to practise, but in this instance the Committee is satisfied that between them Dr Reilly and Ms Navran will ensure that the Applicant's return to practise will be

properly and suitably controlled and measured. The remainder of the Applicant's working week will be spent on furthering her interest in equine dental care. As to that work, the Applicant has stated, and the Committee is satisfied, that she will recommence that work by re-skilling herself before embarking on such work.

68. For the reasons set out above this Committee is satisfied that the future welfare of animals under the Applicant's responsibility will be properly protected, that her future dealings with insurers will be honest in all respects and that the interests of the public will be met. Accordingly, it is the Decision of this Committee that the Applicant's name should be restored to the Register, and it requests the Registrar to so act.

Disciplinary Committee
10 March 2023