

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**LYNN JO ANN DAVIES MRCVS**

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**FURTHER RESUMED  
HEARING DECISION**

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1. This is a further resumed Hearing of an Inquiry which was originally adjourned on 23 January 2018 and thereafter on 30 July 2018. The decision that was taken on both occasions was to postpone the final decision on sanction having regard to the Undertakings which the Respondent was prepared to enter into. The form that the Undertakings took on these occasions was slightly different, but on each occasion these Undertakings were reduced to writing and signed by the Respondent and their content is set out below. In return for the giving of those Undertakings the Committee ordered that the Disciplinary Inquiry would be postponed in the first instance for a period of 6 months and on the second occasion for a further period of 12 months.
2. Accordingly, this Decision on the adjourned Hearing requires to be read in conjunction with the full reasons given in the Decisions of the Committee dated 23 January 2018 and 30 July 2018. It is not necessary to recapitulate all of the submissions advanced on the Respondent's behalf on these occasions or all of the findings then made by the Committee at these earlier Hearings. The following summary should suffice for the purposes of the Decision arrived at today.
3. The Charges which the Respondent faced at the time of the January 2018 Hearing were as follows:

**That being registered in the Register of Veterinary Surgeons:**

1. On 4 March 2014, at the Neath Magistrates Court, you were convicted of driving a motor vehicle on 10 February 2014 on the M4, after consuming so much alcohol that the proportion of it in your breath, namely 84 micrograms in 100 millilitres of breath, exceeded the prescribed limit; for which offence you were sentenced to:

a fine of £500, disqualification from driving or holding a licence for 17 months (to be reduced by four months on satisfactory completion, by 2 January 2015 of a course approved by the Secretary of State); costs of £85 and a victim surcharge of £50;

2. On 30 October 2015, at the Worcester Magistrates Court, you were convicted of driving a motor vehicle on 18 May 2015 after consuming so much alcohol that the proportion of it in your blood, namely 199 milligrams of alcohol in 100 millilitres of blood, exceeded the prescribed limit; for which offence you were sentenced to:

a fine of £600, disqualification from driving or holding a licence for 45 months; costs of £105, a criminal courts charge of £150 and a victim surcharge of £60;

AND it is alleged that the above convictions whether individually or in combination, render you unfit to practise veterinary surgery;

AND/OR

3. Having on 27 November 2014 given signed undertakings to the Preliminary Investigation Committee of the Royal College of Veterinary Surgeons ("the College"), as part of the College's Health Protocol, including undertakings in relation to abstinence from alcohol and attendance at review meetings with a consultant psychiatrist, you breached those undertakings in that:

(a) on 18 May 2015, you consumed alcohol such that there were 199 milligrams of alcohol in 100 millilitres of your blood; and/or

(b) during a period between 1 July 2015 and 3 August 2015, you consumed alcohol, namely a bottle of wine or small bottle of vodka twice per week; and/or

(c) during a two week period between 3 August 2015 and 28 September 2015, you consumed alcohol on two occasions per week; and/or

(d) during a two or three week period between 15 December 2015 and 7 January 2016, you consumed alcohol, namely one bottle of wine three times per week; and/or

(e) you did not attend for a pre-arranged appointment for a quarterly review meeting with the said consultant psychiatrist on 7 December 2015; and/or

4. On the following dates you were on duty as a veterinary surgeon whilst under the influence of alcohol, more particularly:

(a) 19 December 2016; and/or

(b) 23 December 2016; and/or

(c) 24 December 2016; and/or

5. By virtue of the matters set out in 4 above (individually or in any combination), you were in breach of your undertakings to the College dated 27 November 2014;

**AND that in relation to the matters in 3, 4 and 5 above, whether individually or in any combination, you are guilty of disgraceful conduct in a professional respect.**

4. The 23 January 2018 Hearing and Decision: The Committee's Decision at the conclusion of that Hearing was that in respect of five charges, two of which had rendered Dr Davies unfit to practise and three of which amounted to disgraceful conduct in a professional respect that closing the case with 'no further action' would be wholly inappropriate. The behaviour underlying the five allegations amounted to serious misconduct and to close the case with a sanction of 'no further action' would be insufficient to protect animals and the wider public interest,

[REDACTED]

5. At the conclusion of the Hearing on 23 January 2018, the Committee went on to consider the application to postpone judgment for a period not exceeding two years. It decided to accede to the application and postpone judgement in this case for a period of six months on the basis of the voluntary undertakings which Dr Davies had put before the Committee which read as follows:

*I, Lynn Jo Ann Davies, pursuant to the Disciplinary Committee decision at the conclusion of the hearing held on 23 January 2018, hereby undertake as follows:*

1. *Not to practise veterinary surgery;*
2. *To abstain completely from the consumption of alcohol;*

[REDACTED]

5. *To undergo blood and hair tests for alcohol consumption every two months and to provide the results of the same to the RCVS; the same to include blood and hair tests undertaken between two and four weeks prior to the date of the resumed hearing before the Disciplinary Committee;*
6. *To provide a report to the RCVS from a consultant psychiatrist relating to my recent and current state of health, prognosis and fitness to practise, in particular with regards to alcohol dependency, such report to be provided at least four weeks prior to the date for the resumed hearing; (the said consultant to be provided, prior to my examination, with a copy of the College's Inquiry Bundle and my Bundle in relation to these proceedings);*
7. *To allow the RCVS to appoint its own consultant psychiatrist (should it wish to do so) to examine me and provide a report to the Disciplinary Committee in relation to my recent and current state of health, prognosis and fitness to practise, in particular with regards to alcohol dependency; and to allow that consultant psychiatrist to have access to my medical records and test results, and to the College's Bundle and my Bundle in relation to these proceedings;*
8. *To consent to any medical professional who is involved in my treatment or who is providing a report for the purposes of these undertakings to communicate with the RCVS in relation to my health;*
9. *To comply with the RCVS Continuing Professional Development requirements; and provide evidence of the same at the resumed hearing;*

*I agree to pay for the costs of complying with the undertakings, including the appointment of any medical practitioner, medical assessments/treatments and reports tests and CPD (save that the RCVS will meet the costs of appointing its own consultant psychiatrist).*

*I understand that any adverse report or breach of these undertakings may result in the hearing being resumed at a date earlier than the date of the end of the period of the adjournment and that at any resumed hearing, the Committee may decide to postpone judgment again, on the same or different terms, or reach a final judgment which includes any sanction within its powers.*

6. The Committee was then satisfied that the undertakings volunteered by Dr Davies sufficiently guarded against her repeating her previous behaviour and demonstrated that she had good insight into the behaviour underlying the charges. Further, the undertakings in the Committee's view guarded against any risk to animals because Dr Davies had volunteered not to practise veterinary surgery in the terms set out above.
7. The Committee was persuaded by the evidence of Dr Davies that her forthcoming divorce marked a turning point for her. It accepted her evidence that her longstanding marital difficulties had caused her to rely on alcohol and that had been a reason why she had breached previous undertakings as she had done so at a time when she had not yet disclosed to anyone her marital difficulties. The Committee noted that there was supporting evidence from Mr Chudleigh from Vets4Pets and Companion Care Vets who had conducted a disciplinary hearing with Dr Davies in January 2017, in which he observed Dr Davies' marriage to be strained and Dr Davies' husband was not as supportive as he would have expected.