

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

LAURA BENSON RVN

**DECISION ON FACTS
AND ON
DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT**

1. Ms Benson is a Registered Veterinary Nurse who qualified in 2013 and was first registered with the Royal College of Veterinary Surgeons ("the College") in 2013.

The Allegation

2. Following amendment (see below), the formal charges against Ms Benson were particularised as follows:

THAT, being registered in the Register of Veterinary Nurses and when in practice at Love Street Vets, Caledonia Street, Paisley PA3 2JG ("the practice"), you:

1. Between 1 January 2018 and 11 November 2019, took the following items from the practice without paying for the same:
 - (a) ~~approximately 8~~ a number of bags of dog food
 - (b) ~~four~~ two Equest (horse wormer) syringes
2. Between 1 November 2018 and 11 November 2019, took the following items from the practice and paid less than the correct amount due to the practice for them:
 - (a) ~~four~~ a number of items of animal food
 - (b) ~~two~~ Equest syringes
 - (c) ~~two~~ one or more boxes of Danilon (horse wormer)
3. Between 1 October 2018 and 11 November 2019, arranged for or allowed a friend, XX to receive a discount on items that XX purchased from the practice, without the authority or consent of the practice for such a discount;

4. On or around 21 December 2019 asked a veterinary surgeon colleague to input details of her treatment of and/or medicines prescribed for your cat, Chip (who was registered with the practice), into the clinical records of one of your other animals registered at the practice;
5. Your conduct in 1 and/or 2 and/or 3 above was dishonest:
6. Your conduct in 4 above:
 - (a) was dishonest
 - (b) potentially compromised the integrity of a colleague
 - (c) was potentially detrimental to animal welfare

AND that in relation to the matters set out above, whether individually or in any combination, you are guilty of disgraceful conduct in a professional respect.

Background

3. Ms Benson was employed at the practice at Love Street Vets in Caledonia Street, Paisley, West Scotland ("the practice"). The practice is owned by Dr Kerry Molloy, who qualified in 2005. The practice operates as a limited company under the name Spoken Beaga Limited, which was incorporated in November 2017. It is an exclusively small animal practice.
4. Ms Benson and Dr Molloy had worked together for approximately 10 years before Dr Molloy acquired Love Street Vets and set up the practice. Dr Molloy asked Ms Benson to join her at the new practice.
5. In addition to her duties as a registered veterinary nurse, Ms Benson had a number of management duties to perform at the practice. These included processing insurance claim forms for the practice.
6. Ms Benson had four animals registered at the practice: Shiloh (a Husky); Demon (nickname 'Fish'); Chip (a cat); and RT (a cat). She also owned Trigger (a horse) which was not registered at the practice, but in respect of which a financial account was opened at the practice in Ms Benson's name, to account for items obtained for the horse via the practice.
7. The College alleged that, on or about 8 November 2019, it came to the attention of Dr Molloy that Ms Benson had ordered some bags of food for her animals and had taken them home without putting them through the practice management system or paying for them. In addition to this, it was alleged that there was a pack of horse wormers (Equest) that had been ordered from the wholesalers, but apparently not invoiced.
8. Dr Molloy began an investigation, as a result of which she interviewed Ms Benson. The College's case was that Ms Benson made some admissions. Following further investigations, it was alleged that Dr Molloy discovered that Ms Benson had been providing unauthorised discounts in respect of 'nutraceutical' products to a friend of Ms Benson's, in respect of one of the friend's animals. Following a further interview, Dr Molloy advised Ms Benson that she

proposed to deal with the matter by issuing her with a final written warning and by putting measures in place with regard to items ordered for her own use going forward.

9. Subsequently, on 30 December 2019, one of the veterinary surgeons working at the practice informed Dr Molloy that Ms Benson had requested her to enter medication prescribed for Ms Benson's cat, Chip to another of her pets' clinical records.
10. Dr Molloy suspended Ms Benson from her employment following investigation. The further allegation was put by Dr Molloy by email to Ms Benson, who, the College alleged, responded making admissions. A formal disciplinary hearing was held on 09 January 2020 and Ms Benson was dismissed from her employment by the practice. Ms Benson's appeal against her dismissal was also dismissed. Subsequently, Dr Molloy referred Ms Benson to the College.

The Charges

11. At the start of the hearing, the College applied to amend the Allegation against Ms Benson. The application was made on the basis that the amended Allegation better reflected the evidence. There was no objection to the proposed amendment on behalf of Ms Benson.
12. The charges were amended by order of the Committee pursuant to Rule 14.1 of the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004 (SI 2004/1680) ("the 2004 Rules") following application by the College, to read as above.
13. In charge 1 the College alleged that Ms Benson had taken items from the practice without paying for them. The College submitted that there was no dispute that Ms Benson had worked for the practice, nor that she had taken the items without paying for them. The College's case was that she was or should have been aware that this was contrary to the practice's protocols.
14. In charge 2 the College alleged that Ms Benson took the items alleged and paid less than the amount due to the practice for them.
15. Charge 3 related to Ms Benson allegedly arranging or allowing a friend of Ms Benson to receive a discount on products sold to her by the practice in respect of one of the friend's animals. The College alleged that this was done without the authority or consent of the practice.
16. In charge 4, the College alleged that Ms Benson, on having her cat, Chip examined and treated at the practice, requested the treating veterinary surgeon to enter details of the treatment and medications onto the clinical record for another of Ms Benson's animals.
17. Charge 5 alleged that, in respect of her conduct in charges 1 and/or 2 and/or 3, Ms Benson had acted dishonestly.
18. In charge 6, the College alleged that, in asking the veterinary surgeon colleague at the practice to knowingly enter details on the wrong record, Ms Benson had acted dishonestly. She had also sought to compromise the integrity of her colleague veterinary surgeon. Further, she had requested an act which put at risk the correct record and potentially was detrimental to the

health both of her cat, Chips, and the other animal, because an incorrect clinical record would result.

Proceedings

19. The College was represented by Mr Marios Lambis of counsel and Ms Benson was represented by Mr Matthew Lynch, her advocate.
20. At the outset of the hearing, on the amended Allegation being put to her, Ms Benson admitted the facts of charges 1, 2, 3, 4 and 6 of the amended Allegation.
21. Pursuant to paragraph 23(5) of the College's Disciplinary Committee (Procedure and Evidence) Rules 2004 ("the Rules") accepted Ms Benson's admissions and dispensed with proof otherwise of the matters admitted.
22. In accordance with Rule 11.1(a) of the 2004 Rules the College called evidence in relation to the matters not admitted.
23. Mr Lambis opened the College's case and called evidence in respect of the College's case on the facts.

Factual Witness Evidence

24. The Committee heard oral evidence on behalf of the College from the following witnesses:
 - Dr Kerry Molloy
25. The Committee also received evidence in the form of witness statements from the following witnesses:
 - Dr Katy Anderson, witness statement dated 18 August 2020
 - Ms Lauren Mullaney, witness statement dated 14 May 2021
26. The Committee heard oral evidence on behalf of Ms Benson from the following witnesses:
 - Ms Laura Benson
27. The Committee also received evidence in the form of testimonial letters from the following:
 - Letter dated 11 June 2021 from Ms Pamela McComb RVN , Nursing Servicing Manager, Glasgow School of Veterinary Medicine University of Glasgow
 - Letter dated 11 June 2021 from Ms Jenny Shirra RVN Senior Out of Hours Nurse University of Glasgow
 - Email dated 14 June 2021 from Ms Jennifer Mullen RVN, Vets Now, Kilmarnock
 - Email dated 14 June 2021 from Ms Andrea McPherson, Receptionist, Love St Vets

Evidence

28. Dr Molloy confirmed the contents of her Witness Statement provided to the Committee. She produced a number of exhibits including the "Love Street Vets SOPS", setting out the section 'Staff Discounts' and 'Insurance Claim Protocol'. She provided copies of the clinical records for

Ms Benson's animals, copy invoices for items ordered by Ms Benson and practice invoices rendered to Ms XX the friend of Ms Benson, in charge 3.

29. Dr Molloy told the Committee that, as regards their relationship, she had taken Ms Benson "under her wing". Their work relationship had been straightforward. There had been a clear hierarchy, with Dr Molloy as the boss. Ms Benson had deferred to her on work issues, but they had personally supported each other and there had been collaboration on finding solutions to non-clinical problems.
30. Dr Molloy stated that she had no recollection of authorising Ms Benson to give discounts to friends. She stated that, when confronted with the issues, Ms Benson had acknowledged that she should not have taken products from the practice and should not have given discounts. Dr Molloy stated that Ms Benson told her that Ms Benson had expected to be dismissed at the time of her second interview by Dr Molloy.
31. Dr Molloy said that she did not recall Ms Benson offering a bank loan to help her to set up the practice but could not say that it did not happen. She stated that Ms Benson had been hardworking and very dedicated to the practice. Dr Molloy placed a degree of trust in Ms Benson to allow her to account for her own time and when taking time off in lieu, Ms Benson had been allowed a degree of flexibility to take her time back. Dr Molloy stated that Ms Benson had stated in interview by Dr Molloy that she had been "mistaken" in her actions but had appeared to have accepted responsibility for the errors. Ms Benson had not felt that she was entitled to take the discounts.
32. Dr Molloy stated that the staff were entitled to have a discount on items ordered via the practice which amounted to removing a mark-up. This was a 30% discount, regardless of the mark-up. Dr Molloy did not accept that the VAT element added to the cost of the goods was also to be removed.
33. Dr Molloy stated that she would have considered the possibility of mistake had a few bags of dog food had been taken without payment, but eight bags "seem excessive". Dr Molloy said that there were too many invoices issued for Dr Molloy to check each one.
34. Dr Molloy did not agree that staff should take any lack of objection on her part to indicate agreement. Dr Molloy did not agree that Ms Benson's 'mistake' had arisen as a result of confusion as to Ms Benson's level of authority, because Ms Benson had admitted that she had been "wrong" in her actions.
35. Dr Molloy stated that there was not a culture of offering discounts to clients. She did offer discounts to clients if there was a mitigating reason, such as a client's financial difficulties, but the decision to do so had been made by her, usually on the basis of welfare considerations.
36. Dr Katy Jill Anderson was a veterinary surgeon at the practice. She provided a witness statement in which she stated how she had examined and treated Ms Benson's cat, Chip on 21 December 2019. She stated how Ms Benson had stated to her *"Just to let you know. I've just got him insured this morning, so if he's needing any medication it would be good if you*

could put it through under the files for one of the dogs” or words to that effect. She had declined to do this and reported the events to Dr Molloy.

37. Dr Anderson produced as an exhibit a copy of the practice’s insurance claim protocol and a document setting out her recollection of the events in charge 4 prepared for her by Dr Molloy.
38. Ms Mullaney provided a witness statement in which she stated that she had acted as note-taker at two investigatory meetings held at the practice, on 06 and 09 January 2020. She produced as her exhibits type-written minutes of the meetings in which Ms Benson was asked questions about the matters in the Allegation.
39. Ms Benson gave evidence. She provided an affidavit dated 30 December 2020 and a supplementary affidavit dated 21 March 2021. She exhibited a copy of her insurance policy for her cat, Chip, copy correspondence with a Mr Hughes and letters from the insurance company regarding claims for Chip.
40. Ms Benson agreed that it was wrong to take things not belonging to her. She agreed that she had not realised how much she had taken. Ms Benson stated that she had never had the intention to remove anything without paying for it. Ms Benson was taken to the note of her meeting with Ms Mullaney and a Mr Hughes in which she stated, when asked about her previous conduct: *“Kerry discovered numerous things I had taken from the practice but not paid for. I stole food which should not have gone on my account. Once I found out how much it was, I paid it back in full. I didn’t question it. I gave my friend and my mum discounts without getting prior approval”*.
41. Ms Benson stated that she had been stressed when attending this meeting after work. She was also taken in re-examination to further parts of the note in which she stated in the meeting: *“I forgot and was supposed to put it on the computer and didn’t. I got distracted. I didn’t intentionally steal.”*

Submissions

42. Mr Lambis submitted that the burden of proof lay with the College and the standard required was so that the Committee was ‘sure’ of the facts alleged. He submitted that the Committee could be sure on the basis of preferring the account of a particular witness.
43. The dishonesty alleged in charge 5 related to the facts in charges 1, 2 and 3. These facts had been admitted by Ms Benson. Mr Lambis submitted that Ms Benson’s dishonesty, as alleged in charge 5 was self-evident on the facts. He submitted that the charges ‘spoke for themselves’. He asked the Committee to bear in mind common sense and practical reality. He submitted that Ms Benson’s comments at her meetings with Dr Molloy were important evidence.
44. Mr Lambis submitted that guidance defined Disgraceful Conduct in a Professional Respect as conduct which fell far short of that expected of a member of the profession.

45. Mr Lynch submitted that Ms Benson had not been acting dishonestly in relation to her admitted conduct at charges 1, 2 and 3. He said that there had been a “blurring of the lines” as to the extent of her authority. He pointed out that Ms Benson had stated at the time to Dr Molloy that she had made a “mistake” and that it was an accident. The issue was what was Ms Benson’s mistake.
46. Mr Lynch submitted that Dr Molloy may not be reliable in her evidence and may be honestly mistaken. This had been demonstrated on her admission of some errors in her witness statement. He took issue with her calculation of the staff discount and VAT on the goods. Mr Lynch submitted that the Committee could not be sure that Ms Benson had been acting dishonestly in giving her friend a discount.
47. Mr Lynch provided a number of testimonials and drew the Committee’s attention to her abilities as a veterinary nurse and her character.

The Committee’s Findings on Fact

48. The Committee considered all of the oral and written evidence and the parties’ submissions.

Charges 1, 2, 3, 4 and 6

49. At the outset of the hearing, on the charges being put to her, Ms Benson admitted the facts of charges 1, 2, 3, 4 and 6. Pursuant to paragraph 23(5) of the 2004 Rules the Committee accepted Ms Benson’s admissions and dispensed with proof otherwise of the matters admitted, as noted below.

Charges 1(a) and 1(b)

50. Ms Benson had formally admitted charge 1(a) and the Committee dispensed with further proof of the charge, in accordance with paragraph 23(5) of the 2004 Rules. In any event, the Committee considered it had credible evidence from Dr Molloy that she had obtained information from the wholesaler indicated a loss of bags of dog food and that she had been told by a member of staff that Ms Benson had ordered the food and not paid for it. Following her admission, Ms Benson had not challenged the College’s evidence in respect of this charge. The Committee found paragraph 1(a) proved.
51. Ms Benson had also admitted charge 1(b) and the Committee dispensed with further proof, in accordance with paragraph 23(5) of the 2004 Rules. Again, the Committee had credible evidence from Dr Molloy, which, following the admission, was unchallenged in respect of this charge. The Committee found paragraph 1(b) proved.

Charges 2(a) and 2(c)

52. Ms Benson had admitted charge 2(a) and the Committee dispensed with further proof, in accordance with paragraph 23(5) of the 2004 Rules. The Committee also considered that it had credible evidence before it from Dr Molloy, who had carried out an audit of the payments made by Ms Benson for the items ordered for her from the practice’s wholesalers. Following her

admission, Ms Benson did not challenge the College's evidence in respect of this charge. The Committee found paragraph 2(a) proved.

53. Ms Benson had also admitted charge 2(c) of the Allegation. The Committee dispensed with further proof, in accordance with paragraph 23(5) of the 2004 Rules. The Committee also had credible evidence from Dr Molloy as to the items in this charge from her audit. Again, following her admission, Ms Benson did not challenge the College's evidence in respect of this charge. The Committee found paragraph 2(c) proved.

Charge 3

54. Ms Benson had admitted charge 3 of the Allegation. The Committee dispensed with further proof, in accordance with paragraph 23(5) of the 2004 Rules. The Committee also had before it evidence from Dr Malloy, who produced copies of invoices rendered to Ms Benson's friend. The invoices showed that discounts ranging from 5 to 15% had been applied to the invoiced sum. Dr Malloy had given evidence that she had never authorised Ms Benson to give her friend discounts. Following her admission, Ms Benson did not challenge the College's evidence in respect of this charge. The Committee found paragraph 3 proved.

Charge 4

55. Ms Benson had admitted charge 4 of the Allegation. The Committee dispensed with further proof, in accordance with paragraph 23(5) of the 2004 Rules. The Committee also had received evidence in the witness statement of Dr Katy Anderson, to whom Ms Benson had made the request. Following her admission, Ms Benson did not challenge the College's evidence in respect of this charge. The Committee found paragraph 4 proved.

Charge 5

56. The Committee considered whether Ms Benson's conduct, which she had admitted and which it had found proved, in relation to charges 1 and/or 2 and/or 3 had been dishonest. The Committee reminded itself of the test of dishonesty in *Ivey v Genting Casinos* [2017] UKSC 67. First, the Committee had to make a finding of the state of knowledge and/or belief of Ms Benson as to the facts and then determine whether her conduct had been dishonest by the standards of (ordinary) decent people. The Committee applied the test to each of the charges separately.
57. In relation to charge 1(a), the Committee noted that it was not in dispute that Ms Benson had taken a number of bags of dog food over a considerable period. In the College's case approximately 8 bags had been taken. Ms Benson had admitted that she knew it was wrong to take property of another without paying. Ms Benson had given evidence that she had 'forgotten' to pay for the bags. She denied having taken them without an intention to pay.
58. The Committee had received undisputed evidence that staff were able to order their own items from the wholesaler. Ms Benson's evidence was that she had simply neglected to then enter items that she had ordered on the practice computer system on her own account, for payment. She said that she had been busy at the practice and subject to stress.

59. The Committee noted the evidence that, in her meeting with Dr Molloy, Ms Benson had made comments including that she '*stole*'. However, it also noted that her comments had been equivocal and there was evidence from Ms Benson that she had been taken by surprise by this meeting. Likewise, Dr Molloy's impression in her evidence was that Ms Benson conceded that she had been in error. However, in her witness statement, Dr Molloy did not record an express concession of dishonest intent on the part of Ms Benson, more than an error: *"Although initially Laura said it was an accident and/or mistake, she very quickly said she could not understand why she had done this"*.
60. It was agreed evidence that Ms Benson had a position of some responsibility with Dr Malloy's practice. Ms Benson told the Committee that this included checking other member of staff's outstanding accounts for ordered items.
61. The Committee took into account that, until the events under consideration, Ms Benson had no previous adverse regulatory history, which may be relevant to her propensity to act dishonestly and also to her credibility as a witness. As against this, it took into account that she had admitted her dishonest conduct in relation to charge 6.
62. The Committee determined, notwithstanding any previous good character, that Ms Benson knew at the time that it was wrong not to pay for the dog food bags and considering the period over which the bags were taken, and the number of bags involved it was sure that Ms Benson did not have an intention to pay for them. The fact that she had not paid must have been well in her mind, as she took repeated bags, and she would have had ample opportunity to settle the account. The Committee was satisfied that she had ready access to the computer system to register her orders and to make payment.
63. The Committee noted her responses in meetings and viewed these as supporting its conclusion. The Committee was sure that ordinary decent people regarded taking the dog food bags without intending to pay for them as dishonest conduct. The Committee found charge 5 as regards 1(a) proved.
64. In relation to charge 1(b) the Committee determined that it was relevant that the practice was a 'small animal' practice. Medications for horses was not its ordinary business. Ms Benson had ordered the horse wormer syringes over the same period as the dog food bags and offered the same explanation. The Committee rejected her explanation. The Committee was sure that, being mindful of her orders of dog food, Ms Benson had the same intention not to pay, as regarded the Equest syringes. This was for the same reasons, dishonest. The Committee found charge 5 as regards 1(b) proved.
65. In relation to charge 2, the Committee considered that important evidence was provided by the 'SOPS' headed 'Staff Discounts'. The Committee noted the evidence of Ms Molloy that sometimes she would allow the staff to have products at 'cost' to the practice. It noted Ms Benson's evidence in her affidavits, that it was her understanding that she was entitled to receive goods at cost to the practice and that it was her understanding that this included

removal of the VAT element which the practice would, eventually, recover. Dr Molloy accepted that her calculations in her witness statement of the amounts due might be in error.

66. The Committee carefully considered the practice's 'SOPS' headed 'Staff Discounts'. It noted that the discount was stated to be *"Discount level for all staff (JVPS, veterinary assistants, nurses, receptionists and support staff): - 30% off"*. The protocol did not state in more detail from what "30%" was deducted. The protocol further stated: *"Any staff found to be altering the price of items on their account or abusing the system will have the staff discount privilege withdrawn and items will be charged **at full cost**"*. (Emphasis added).
67. Dr Molloy's evidence had been that her computer system automatically recognised from account details that the person was a member of staff and applied the appropriate discount before adding VAT. However, she also told the Committee that the practice was very busy, and she had not checked all the invoices that were going through the practice.
68. The Committee bore in mind that charge 2 was not an allegation of non-payment but payment of a lesser amount, which appeared to relate to the deduction (erroneous or not) of VAT. It had therefore to determine Ms Benson's state of mind in relation to this.
69. The College's case was that Ms Benson's conduct was self-evidently dishonest because she had taken goods at a reduced price, to which she was not entitled as this was contrary to the practice's protocols. However, on consideration of all the evidence, the Committee was not sure of the case that Ms Benson had been aware that the practice's protocol was clear that she was not entitled to take off the VAT element. The protocol was vague to a degree as to how it applied and there was reference to charging "at full cost".
70. Further, Ms Benson's response to the charge had been that, in her belief, the effect of her making a reduction in the price had been to remove the VAT element from the goods, which the practice would recover in due course, suffering no effective financial loss. The Committee did not determine that Ms Benson's comments in her meetings sufficiently demonstrated an admission of dishonest intent.
71. In conclusion, the Committee was not sure, when making findings as to Ms Benson's state of knowledge at the time, that she had been aware of applying price reductions to which she was not entitled. The Committee concluded that the College had not proved a dishonest state of mind on the part of Ms Benson. The Committee found charge 5 as regards charge 2 not proved.
72. In relation to charge 3, the Committee bore in mind that Ms Benson had been involved in the practice with Dr Molloy from its inception. Dr Molloy gave evidence that Ms Benson was a senior nurse at the practice and was required to undertake some managerial responsibilities, in addition to her nursing duties. Dr Molloy told the Committee that Ms Benson had worked hard and been a dedicated employee. Dr Molloy gave evidence that there was a degree of personal closeness between them, although at work the hierarchy had been clear.
73. Dr Molloy stated that Ms Benson had enjoyed a degree of "flexibility" in terms of her management and time off in lieu, but that this had not been a "general" flexibility. Dr Molloy told

the Committee that she had no recollection of having given Ms Benson authority to give discount to friends and family. She said in oral evidence that there was no general practice of giving discounts; on occasion, Dr Molloy had personally allowed discounts to clients in financial hardship.

74. The Committee was mindful that it had to determine what had been Ms Benson's state of knowledge or belief as to the facts in relation to offering her friend a discount. It had her evidence that she had felt that, due to her seniority within the practice, she had been entitled to offer a discount to her friend, as effectively a business incentive for the friend to use the practice. The Committee did not determine that Ms Benson's comments in her meetings sufficiently demonstrated an admission of dishonest intent.
75. The Committee noted that the discounts were shown on the face of the invoices to the friend and were not concealed. The Committee bore in mind that the evidence was that the practice computer system had been effectively open for all to use. Ms Benson had given evidence that she expected that Dr Molloy would have checked invoices on the computer system. Dr Molloy's evidence had been that it had been the level of activity in the practice which prevented her checking invoicing. Dr Molloy conceded that discount on fees had been extended to Ms Benson's mother, as joint owner of a dog with Ms Benson. There was no evidence that Ms Benson had personally benefitted from her friend receiving a discount.
76. Having considered all the evidence, the Committee was not satisfied so that it was sure that Ms Benson had had a dishonest intent of giving unauthorised discount to a friend. It was not satisfied that she had not been genuinely seeking to offer an incentive to her friend to use the services of the practice. It was accordingly not satisfied as to a dishonest intent on the part of Ms Benson. The Committee found charge 5 as regards charge 3 not proved.

Charge 6

77. Ms Benson had also admitted charge 6 of the Allegation, in respect of each of 6(a), 6(b) and 6(c). The Committee dispensed with further proof, in accordance with paragraph 23(5) of the 2004 Rules. The Committee also had before it evidence in the witness statement of Dr Anderson, to whom Ms Benson had made the request. The Committee had received evidence from Ms Benson that she had made the request to Dr Anderson because she had been concerned that her cat, Chip, would not be covered further by insurance, if the treatment had been correctly entered on Chip's record. The Committee considered that this conduct was dishonest.
78. The Committee was also clear that this conduct potentially compromised the integrity of Ms Benson's colleague, because it invited her to commit an unprofessional act. The Committee also considered that Ms Benson's conduct was potentially detrimental to animal welfare, because if acceded to, the records of two animals would have been rendered incorrect as a result.
79. The Committee found charges 6(a), 6(b) and 6(c) proved.

Summary

80. In summary, the Committee's findings on the fact were as follows:

1. Proved as to 1(a) and 1(b)
2. Proved as to 2(a) and 2(c)*
3. Proved
4. Proved
5. Proved in respect of 1(a) and 1(b), not proved as to 2(a), 2(c)* and 3
6. Proved as to 6(a), 6(b) and 6(c).

(* charge 2(b) was withdrawn on amendment)

DECISION AS TO DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT

81. The Committee was mindful that the issue of Disgraceful Conduct in a Professional Respect was a matter for its judgement. In order to find Disgraceful Conduct in a Professional Respect, the Committee had to be satisfied that its factual findings amounted to conduct which fell *far below* the standards to be expected of a registered veterinary nurse.
82. Ms Benson had admitted Disgraceful Conduct in a Professional Respect, in respect of charge 6. However, the Committee made its own decision, bearing in mind the admission. It had also been submitted by Mr Lynch that, if the Committee found charge 5 proved, as to dishonesty, it was conceded that this also amounted to Disgraceful Conduct in a Professional Respect.
83. The Committee bore in mind the Aggravating and Mitigating factors set out by the College in its Disciplinary Procedure Guidance. In this case, it found that there had been a potential risk of injury occasioned to animals, in Ms Benson's request to incorrectly write up the veterinary records. This conduct had involved a degree of premeditation on the part of Ms Benson. Her conduct in taking without paying for dog food bags and Equest horse wormer syringes had carried on over a period and had been repeated misconduct. She had benefitted financially from not paying for these items and the practice suffered loss.
84. Ms Benson also had responsibility for the administration of insurance claims for the practice, and a position of trust in this respect.
85. In mitigation, no actual harm had come to any animal as a result of Ms Benson's actions. She had previously had an unblemished career in veterinary medicine. She had produced a number of testimonials from persons who spoke highly of her. Ms Benson admitted most of the charges against her and recognised her misconduct in respect of charge 6. The Committee determined that Ms Benson displayed some developing insight into her misconduct.
86. The Committee was, however, in no doubt that dishonesty on the part of a registered veterinary nurse was conduct which fell far below the standards of a registered veterinary nurse. Ms Benson had admitted this in relation to charge 6 at least.

87. The Committee had found that Ms Benson had acted dishonestly in relation to taking a number of dog food bags and two Equest syringes without intending to pay for them. She had also acted dishonestly, risked compromising a colleagues' integrity and risked animal welfare, by asking her colleague to enter details on the wrong clinical record.
88. The Committee determined that, in relation to charges 1(a) and 1(b), charge 4, charge 5 in relation to charges 1(a) and 1(b) and charge 6, Ms Benson was guilty of Disgraceful Conduct in a Professional Respect.

DISCIPLINARY COMMITTEE

16 JUNE 2021