

**ROYAL COLLEGE OF VETERINARY SURGEONS  
INQUIRY RE:**

**JATINDER DHAMI MRCVS**

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**DECISION AS TO FACTS**

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The Respondent, Dr Jatinder Dhami MRCVS, appeared before the Disciplinary Committee to answer the following charges:

THAT, being registered in the Register of Veterinary Surgeons and whilst in practice at Vets4Pets, Market Harborough, you:

1. On 14 November 2017, used unnecessary force towards SG, a Staffordshire Bull terrier cross belonging to Ms NG, more particularly in that you:
  - (a) kicked S;
  - (b) stamped on S;
2. Between 1 October 2017 and 30 November 2017, failed to have adequate regard to the welfare of L, a Jack Russell terrier belonging to Miss MB, more particularly in that you left L in a sink without adequate reason, for an excessive period of time;
3. On a date between 22 April 2017 and 25 March 2018, failed to have adequate regard to the welfare of a kitten aged between approximately six and eight weeks, more particularly in that you failed to take adequate steps to provide care to the kitten, including bedding and warmth;

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

At the outset of the hearing, the Respondent admitted the stem of Charge 1 and Charge 1 (a) (on the basis that he had kicked the dog twice only). He denied Charges 1(b), 2 and 3.

1. The allegations before the Committee arise from the conduct of the Respondent in his veterinary practice at Vets4Pets in Market Harborough, Leicestershire, a veterinary surgery within a 'PetsatHome' store (**the Practice**).
2. At the times relevant to the allegations, the Respondent was a Joint Venture Partner in the Practice. The only other partner was James Denny, RVN ("Mr Denny"). Other staff at the Practice included:
  - a) Amanda Disney, RVN.
  - b) Amelia Gerard, Receptionist.
3. The events that are the subject of the Charges all took place in the preparation area, which is that part of the Practice accessed from a consulting room and to which the patients' owners did not have access.

### **The College's case**

#### **Charge 1**

4. Charge 1 alleges that, on 14 November 2017, the Respondent (a) kicked and (b) stamped on Sasha, a Staffordshire Bull terrier ("SG") owned by NG. As stated above, Charge 1(a) is admitted.
5. The essential factual allegation is that the Respondent, having been bitten by SG in the consulting room took SG to the preparation area, and there forcefully kicked her twice and once stamped or kicked down on SG whilst holding her lead.
6. SG was registered at the Practice in June 2017, at that time SG was about 7 months old and had become unwilling to attend a previous surgery. NG says that she explained SG's nervousness of vets to the Respondent when she was first registered at the Practice.
7. In November 2017, SG was due her booster vaccinations and NG made an appointment, speaking in person to James Denny, and asking for him to be present to hold SG if it became necessary.
8. The appointment was made for 14 November 2017. Amelia Gerard, a receptionist, states that the records show SG as being a 'nervous' patient.
9. On 14 November 2017 at about 3pm NG and her son attended with SG. NG raised SG's nervousness with Amelia Gerard, and the potential need for a muzzle and was told the Practice was aware that the patient was nervous.
10. SG is described by her owner as a dainty dog, and weighed about 9kg – 11.5kg at the time of the appointment.
11. The consultation started with NG and SG being called into the consultation room, and then leaving whilst the Respondent went into the preparation room to give the booster injection, where he was assisted by James Denny. Once the injection was completed the Respondent called NG back into the consultation room and there gave his view that SG's ears needed a wash out. NG said at that stage a muzzle would be needed as SG did not like her ears messed about with and had in mind a previous encounter at SG's former surgery where SG had tried to bite a vet

examining her head and ears on 26 May 2017. The Respondent said he would do it all in the consulting room, and he put SG on the consulting room table, with NG holding the patient by her harness but from behind the patient.

12. The Respondent then proceeded to clean SG's ears. During this procedure SG yelped, but then when liquid was introduced SG's eye began to bulge, her lip to curl and she looked to NG that she was about to bite. She warned the Respondent but as she did so the dog nipped his finger, and then started to cower. At the time of the bite NG was holding the patient's harness on her back.
13. The bite caused a wound to the Respondent's finger and blood flowed. The Respondent appeared shocked and did not try to clear up the blood from the floor. NG suggested that James Denny be called to help with cleaning the other ear, and the Respondent said he would. NG then left the consulting room and returned to the reception room. The Respondent took SG to the preparation room.
14. At that time both Amelia Gerard and James Denny were in the preparation area with Amelia Gerard boiling the kettle and chatting.
15. Amelia Gerard saw the Respondent come out of the consulting room, close the door, with SG on a lead about 1metre long. Once he had closed the door, the Respondent then kicked SG with the front of his toes, the kick propelled her to slide along the floor to the extent of the lead, SG went to the floor, looked up and whimpered, cowered and had her ears back. She got up and the Respondent then took a step towards her and kicked her again, causing her to slide along the floor again. The Respondent then kicked down or stamped on her with the sole of his foot making contact with the tail end of SG's back.
16. Amelia Gerard described the kicks as being forceful and maliciously delivered.
17. James Denny describes the Respondent coming into the preparation area with SG on a 3 foot lead and that he then kicked her with sufficient force to make her slide a few feet across the floor. The Respondent then pulled on the lead to bring SG back to him and as SG regained her feet, he kicked her again. Both kicks were with the front of his foot to SG's abdomen. He remembers SG cowering but no sound.
18. Then James Denny saw the Respondent 'stomp' on SG, while she lay on her front with the bottom of his foot making contact with the top of her back.
19. He describes the kicks and stomp as being forceful, towards the top of the end of a scale of 1 to 10.
20. At the time of the kicks and stomp, Amelia Gerard did not think that the Respondent had seen her whereas James Denny thinks the Respondent had seen him.
21. Both Amelia Gerard and James Denny reacted after the stomp/kick down, with Amelia Gerard shouting something like '*what kind of fucking vet are you*' with that shout bringing about a change in the expression of his face, and with James Denny grabbing the lead of SG, remonstrating with the Respondent and telling him to wash his finger which was still bleeding.

22. Amelia Gerard left the room in tears, went to the reception and ran out through the Pets at Home store and into the car park where she called her parents and spoke to them and where she stayed for about 10 minutes.
23. In that time, the Respondent and James Denny had SG in the preparation room, James Denny muzzled SG and the Respondent finished cleaning her ears. Once completed, the Respondent took her into the consultation room and called NG in.
24. Meanwhile, NG had been in the waiting room, she had heard a yelp, and then seen Amelia Gerard come out into the reception room crying and calling the Respondent names, and telling him to *'clean your own fucking blood up'*.
25. NG was called into the consultation room by the Respondent and found SG to be with him and saw that both he and SG were shaking. The Respondent told her that he would put a note to be careful when dealing with SG's ears on the file and she was discharged. The Respondent said nothing about having kicked SG. Amelia Gerard dealt with the payment for the consultation with NG.
26. Once SG had left the Respondent came out to speak to Amelia Gerard and said *'I apologise for what you have just witnessed'* or words to that effect; she replied telling him to fuck off. Thereafter Amelia Gerard engaged with Vets4Pets' investigation of the incident but otherwise has not spoken or engaged with the Respondent. She set out her account of events the following day in a typed document which she sent to Vets4Pets.
27. James Denny saw the Respondent clear up the consulting room which had blood spatters on the table and floor. He too engaged with the Vets4Pets' investigation of the incident.
28. NG said that following the events of 14 November 2014, SG's behaviour was altered and she would no longer enter the PetsatHome store at all, and did not do so on their next visit on 18 November 2017, and needed to be carried upstairs to the practice.
29. It was not until 17 February 2018 that NG found out anything about events of 14 November 2017. On that day, the Respondent telephoned her and said he had to tell her he had kicked SG on the visit in November 2017. Although he admitted kicking SG, he said that he had kicked her lightly and as a result of SG biting him. The Respondent apologised and said he had adrenalin flowing from the nip, but NG did not perceive that he was remorseful. The conversation continued with the Respondent explaining that an investigation was underway by the RCVS. NG hung up the phone. NG went to the Practice the following day and spoke to Amelia Gerard and heard Amelia Gerard's account and James Denny's account, and considered they were very different to the accounts she had been provided with by the Respondent. NG then engaged in complaints to Vets4Pets, the RCVS, the RSPCA and the police. In the course of this, she received a letter from Vets4Pets which included an account from the Respondent of the incident. NG is adamant that the Respondent was not bitten whilst trying to protect her from the bite of SG.
30. The Vets4Pets investigation included the involvement of Zoe Neary, BVetMed, MRCVS She stated that the Vets4Pets position was that whether or not the Respondent should apologise was a matter for the Respondent.

## Charge 2

31. Charge 2 alleges that during October or November 2017, the Respondent failed to have adequate regard for the welfare of Lucy, a Jack Russell Terrier ("L"). The essential factual allegation is that L was under the care for treatment by the Respondent, and in the context of being a sick patient was left for a period of time of more than 20 minutes in a sink without any good reason.
32. The detail of the allegation is as follows.
33. L was a Jack Russell who was under treatment by the Respondent, and in the course of that treatment was administered injectable Buprenorphine and discharged home. A couple of hours later L was returned by the owner, who said L was lethargic and salivating. The Respondent saw the patient in the consultation room, then brought the patient into the preparation area.
34. Once in the preparation room, the Respondent placed L in a scrub sink. Amanda Disney RVN came across L in the sink whilst she was attending to another patient, and when she saw L in the sink the Respondent was about 14 feet away. Amanda Disney asked what was happening, and the Respondent said the plan was to X-ray and blood sample L once Amanda Disney and the Respondent had finished with their consultations.
35. In fact, by Amanda Disney's estimation L was left in a sink for about 20 to 30 minutes whilst Amanda Disney saw 2-3 other clients (not in the preparation room) and that at least when she went back into the preparation room L was alone there.
36. Amanda Disney knew both that kennels were available and that they were not far away.
37. The Respondent does not dispute placing L in a sink, but states he did so as no one else was around and he was needing to obtain bloods.

### Charge 3

38. Charge 3 alleges that between 22 April 2017 and 25 March 2018 the Respondent attended upon a kitten of about 6 to 8 weeks age, in the late afternoon in the consulting room and then left the kitten on a tub table without bedding and warmth.
39. The facts giving rise to this Charge are as follows.
40. Amanda Disney describes a kitten being under the care of the Respondent in the late afternoon in the consultation room. He then brought the kitten into the preparation room, and shouted for Amanda Disney to look after the kitten, whilst Amanda Disney was in the kennel area. Amanda Disney was not available to come to the kitten as she was attending to her own patient and said she would be there in a minute. The Respondent called again 30 seconds later, and Amanda Disney gave the same reply.
41. It was not until 3-4 minutes later that Amanda Disney went into the preparation room and saw the kitten on a tub table. She describes the kitten as almost moribund, not moving, salivating and cold to the touch. She saw that the Respondent was 15-20 feet away not and not directly supervising the kitten. She asked what was happening and was told that the kitten needed warming up, bloods and fluids. She then obtained blankets and towels and some 'hothands'

warmers to heat and cocoon the kitten and held it to her body whilst she did so to transfer warmth. The kitten was then treated.

## **The Respondent's case**

### **Charge 1**

42. The Respondent's account of events of 14 November 2017 is that:

- a) SG showed no signs of aggression at all before he was examining her ears, and that she only did so by turning as if to bite NG, at which point he placed his hand in front of the patient to protect NG and was bitten.
- b) After which he describes himself as being in pain and shaken and that he led SG '*back to the preparation area and in anger I kicked at her hindquarters twice.*' He denied kicking hard and categorically denied stamping/stomping/kicking down.
- c) He regretted not apologising sooner to the owner of SG but whilst under investigation by the College and Vets4Pets he states '*I did not believe that it would be appropriate for me to contact the owner*'. He said he had been told by Vets4Pets not to talk to clients whilst he was under investigation by the Company.

43. In a subsequent letter of 26 February 2019 the Respondent repeats his position that he only delivered two light kicks and disputes that SG ever fell to the floor, denies apologising for three kicks to NG and in clear categorical terms denies ever stamping on SG. His account is he kicked only the rump and only twice. He contends that he did check SG for injury.

44. In his witness statement the Respondent:

- a) Sets out the personal circumstances that were affecting him at the time of the incident. In short, he was working long hours and had domestic and familial<sup>1</sup> pressures.
- b) States that he did not apologise to NG until February 2018 because he was advised not to do so by his employer.
- c) He denies being asked or warned to use a muzzle and up to the moment shortly before he was bitten describes SG as being a compliant patient.
- d) In relation to the biting in the consulting room he describes that occurring whilst he was showing NG how to clean SG's ears when SG became unhappy, and he placed his hand in front of SG to prevent her biting NG when her face was close to SG's mouth.
- e) Having been bitten he describes leaving the consulting room to find James Denny in order to have his assistance.
- f) When in the preparation room he describes that '*in anger, I kicked at [SG's] hindquarters twice. Whilst I am accused of kicking with some significant force, this is not the case... the strength of the kicks would have been light. SG did not fall to the floor. She simply slid on the clinic flooring. She did not strike either a table or any hard object.*'
- g) With hindsight he says '*I do not (and never have) sought to defend what was an irrational and adrenalin-fuelled action, but equally my actions were in no way premeditated*'.

### **Charge 2**

In his statement the Respondent:

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- a) Describes L re-presenting at 6.35pm on 30 October 2017, vomiting and salivating excessively and that he took L to the preparation room to find his nurse to take blood samples.
- b) In the preparation room he noted that Amanda Disney was in the Nurse Consulting Room (and not the preparation room) and as there was no one to assist him he *'therefore placed L in the scrub sink (as a temporary arrangement) with an understanding that after her short consulting Amanda [Disney] would be able to take over care of the patient. My aim was to ensure that L remained in the preparation area so that she was being monitored and that it would also give a signal to Amanda [Disney], as she returned, so that I could have over direct care and observation'*.
- c) He then saw another patient, for a health check which he anticipated to be a short consultation and did not interrupt Amanda Disney.
- d) By 7pm he had taken blood samples from L with Amanda Disney.
- e) He states that L *'had been in the sink for a period of a matter of minutes and in circumstances where she was secure, capable of being observed and in a location where she was observed by me and then by our Veterinary Nurse once she became available'*. He describes this as a pragmatic one-off solution.

### Charge 3

45. In a letter of 26 February 2019 the Respondent states that the kitten was wrapped in a blanket as he went out to obtain items.
46. In his statement the Respondent:
  - a) Describes the presenting condition of the kitten on 19 October 2017, and that he considered the kitten was in a collapsed state with a provisional diagnosis of poisoning and admitted the kitten for intravenous fluid therapy and blood testing,
  - b) States that he placed the kitten on a tub table whilst he was checking his laptop for potential causes and whilst fluids were being heated in a microwave. Whilst L was on the table, he states the kitten was *'wrapped securely in a blanket'*.
  - c) States that he was never more than 2 metres away from the kitten.

### Assessment of the witnesses

47. In relation to Charge 1, the Committee received oral and written evidence from James Denny RVN ("JD"), Amelia Gerard ("AG"), and NG, on behalf of the College.
48. As to JD, the Committee noted that he was and is a joint venture partner at Vets4Pets in the Market Harborough practice, together with the Respondent. JD gave a detailed account of the events that occurred in the preparation room at the Practice, when it is admitted that the Respondent kicked SG, as set out above. He had a clear view of what occurred, and, in particular, described the Respondent 'stomping' on SG, after the first two admitted kicks. He intervened when he saw what the Respondent was doing, and snatched SG's lead from him. He gave a brief account of the events that he saw on 14 November 2017, some two days later when he was interviewed by Mr Winter, who was the relevant Business Development Manager for the Practice. He said that he was an eyewitness to the Respondent kicking the dog three times, twice to the flank and stomp right on his back. The Committee considered that JD gave a clear and measured account of the relevant events in the preparation room, and found his evidence to be credible and reliable. The Committee considered that there was no reason why JD should give anything other than a true account of events, having regard to the fact that he was a joint venture partner with the Respondent, and had worked for Vets4Pets for some time.

49. As to AG, this witness was the complainant, who was very clear in the evidence that she gave, and described the events that occurred in the preparation room, as set out above. The Committee noted that AG was very emotional about what she had witnessed, and was very badly affected by what she had seen. She was a layperson, who was driven to swear at the Respondent, and ran out of the Practice in tears. She was very clear that the Respondent had 'kicked down' or 'stamped' on SG after the two admitted kicks. She demonstrated how the Respondent had done this in front of the Committee and demonstrated him raising his right leg and bringing the sole of the foot down on the back of SG. The Committee found that AG's evidence was consistent with the evidence of JD, and that her evidence was reliable and credible, in particular as to the alleged 'stamping'.
50. As to NG, this witness was not present in the preparation room when the alleged kicking and stamping incident occurred. She could only speak as to the events in the consultation room, when SG bit the Respondent, and what occurred before he took SG into the preparation room. The Committee considered that NG gave a clear account as to where she was standing when SG bit the Respondent, namely that she was on the opposite side of the table to the Respondent, holding SG by her harness on her back. She completely disagreed with the Respondent's account to the effect that her face was close to the dog, and that the Respondent intervened to try and prevent the dog from biting her. The Committee accepted her evidence as being reliable, except that it considers that she was mistaken when she said that the Respondent left the room to get a plaster for his wound, prior to taking SG to the preparation room.
51. The Respondent also gave evidence as to Charge 1(b). The Respondent denied completely that the alleged 'stamping' incident occurred at all. The Committee considered that the Respondent, as he admitted, acted in anger after he had been bitten by SG. The Committee considers that the Respondent in his various accounts of events has always tried to minimise the kicking incident, and has tried to deny that the more serious stamping incident ever happened.
52. The Committee considers that the Respondent's evidence in relation to the stamping incident was not credible, and was unreliable.
53. In relation to Charges 2 and 3, Amanda Disney ("AD") was the only witness on behalf of the College. The Committee considered that AD was an experienced and caring nurse, who did her best to assist the Committee with her recollection of events. However, the Committee noted that she was unclear as to some details, for example in relation to timings, and she accepted that she raised no concerns at the time in relation to the allegations set out in the Charges. The evidence of the Respondent in relation to Charges 2 and 3 will be dealt with in the Committee's findings of facts.

### **The findings of the Committee as to the facts**

54. The Committee has considered all the oral and documentary evidence in this case, the submissions of both parties, and has accepted the advice of the Legal Assessor

### **Charge 1**

55. The Committee notes that the Respondent has admitted the stem to Charge 1, and has admitted Charge 1(a), in that he kicked SG twice with unnecessary force. The Committee therefore has to decide whether Charge 1(b) is proved.
56. As stated above, the Committee has found the evidence of JD and AG in relation to the kicking and 'stamping' incident to be credible and reliable. The evidence contained in their respective witness statements and in their oral evidence was broadly consistent with each other, and with their brief accounts of events provided to Mr Winter two days after the incident occurred.
57. In her statement to Mr Winter, AG said that the Respondent appeared from the consulting room, with SG on a lead. *"He shut the door and I saw him kick the dog across, enough force for dog to fall on its side and slide across, me and James looked before we could act he did it again and again."*
58. In his statement to Mr Winter, JD gave the brief account set out in paragraph 48 above.
59. The Committee does not consider that the evidence of the Respondent is reliable as to the allegation of 'stamping' for the reasons set out above.
60. The Committee has no doubt that the Respondent lost control when he came into the preparation room with SG after he had been bitten. The Respondent categorises what occurred as 'an error of judgment', and admits that he was angry, and had an adrenalin rush, which caused him to do what he did. The incident only lasted a few seconds. AG was evidently traumatised by what she had seen, which caused her to swear at her employer, and leave the premises in tears.
61. As a result, the Committee accepts the evidence of JD and AG in relation to the allegation of 'stamping' in Charge 1(b), and rejects the Respondent's evidence in relation to this allegation.
62. For the avoidance of doubt, the Committee finds that the admitted kicks administered to SG by the Respondent, were of significant force. The Committee rejects the Respondent's assertion that the admitted kicks amounted to mere taps on the backside. The Committee finds that the 'stamping' was also of significant force.
63. Accordingly, the Committee is satisfied so that it is sure that the Respondent did stamp on SG as alleged in Charge 1(b), and that Charge is found proved.

## Charge 2

64. The Respondent admits that he put L in the scrub sink. He said that he was using the sink as a holding pen, and realised that she needed prompt attention. The Charge alleges that the Respondent left L in a sink without adequate reason, for an excessive period of time. The evidence of AD as to the period of time that L was left in the sink is unclear, as she was moving around dealing with other matters. The evidence of the Respondent during cross examination appeared to indicate that L would have been left in the sink for around 20 minutes, but in re-examination, by reference to the timing of the blood test results, he thought it would be more like 10 minutes.
65. The Committee considers that the Respondent probably put L in the sink for convenience. The Committee is unable to make a finding as to the length of time that L was in the sink, because the evidence is unclear. The Committee considers that it was not ideal to put L in the sink, but

does not consider that it was in fact harmful to the animal, and does not consider that it was a threat to the welfare of the dog. L was not in extremis and the Committee does not think that L's welfare was compromised.

66. In these circumstances, the Committee is not satisfied so that it is sure that the facts alleged in Charge 2 have been proved. This Charge is dismissed.

### Charge 3

67. The Respondent admits that he placed the kitten on a tub table and admits that the kitten was in a very poor state, and needed urgent attention. There is a dispute as to whether the kitten was wrapped in a cloth or blanket, when placed on the table. The Respondent called for assistance from AD, and after some three or four minutes, according to her evidence, she took immediate steps to provide the kitten with bedding and warmth. The Respondent had realised that this was required and had requested it.

68. The Committee does not find it necessary to decide whether or not the kitten was wrapped in a blanket or cloth when placed on the table. The kitten received proper care after about three or four minutes, which the Committee considers to be not unreasonable. The Committee considers that this short delay did not prejudice the welfare of a very sick animal, which ultimately made a good recovery.

69. The Committee is not satisfied that the Respondent failed to have adequate regard to the welfare of the kitten, as alleged in this Charge. The Committee is not satisfied so that it is sure that the allegation is made out, and this Charge is dismissed.

**DISCIPLINARY COMMITTEE**  
**25 JULY 2019**

