

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

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**MR ANDREW MICHAEL DOBSON  
DECISION OF THE DISCIPLINARY COMMITTEE**

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**Proceeding in Absence of the Applicant**

1. The Applicant did not attend today's Hearing. The College submitted that as this was the Applicant's application, the matter should proceed to a determination regardless of his decision not to attend and there was no need to consider those factors which fell for consideration when a veterinary surgeon is charged by the College with disciplinary offences and the proceedings are to proceed in absentia.
2. The Committee took into account the fact that the Applicant has not asked for any postponement of the proceedings, nor has he given a reason why he is not in attendance today. The Committee decided in any event that in the circumstances, a postponement was unlikely to secure his attendance in the future.
3. Following legal advice the Committee accepted those submissions and resolved to proceed to adjudicate on the application notwithstanding the Applicant's decision not to attend today's Hearing.

**The Charges which led to the Removal of the Applicant's name from the Register**

4. These were: That, being registered in the Register of Veterinary Surgeons, and whilst in practice at The Barn Equine & Large Animal Practice and/or the Barling Equine Veterinary Practice, Clay Street Barn, Barling Road, Great Wakering, Essex, SS3 0QG, you:
  1. On 21 June 2018, at a time when you were not on the Royal College of Veterinary Surgeons ("RCVS") register of veterinary surgeons:
    - (a) carried out a veterinary pre-purchase examination ("PPE") of a horse belonging to SS;  
and
    - (b) used the post-nominal "MRCVS" (namely "Member of the Royal College of Veterinary Surgeons") on a certificate relating to the said PPE and/or a covering note relating to the said PPE.
  2. In relation to Professional Indemnity Insurance ("PII"):

- (a) failed to have in place adequate PII or equivalent arrangements for the period 23 November 2018 to 1 August 2020; and/or
  - (b) between 17 March 2020 and 4 August 2020, failed to provide adequate details of your Professional Indemnity Insurance or equivalent arrangements when requested to do so by the RCVS;
3. Failed to comply, adequately or at all, with reasonable requests from the RCVS, more particularly in that:
- (a) Between 8 October 2019 and 12 December 2019, failed to provide written comments on concerns relating to the said PPE on 21 June 2018
  - (b) Between 17 March 2020 and 21 July 2020, failed to provide written comments on the concern that you had carried out a PPE and/or used the post-nominal MRCVS when not on the RCVS Register; and/or
  - (c) Between 18 June 2020 and 18 November 2020, failed to provide details of your CPD for the previous three years; and/or
  - (d) Between 12 August 2020 and 18 November 2020, failed to provide copies of your Day Book and/or Controlled Drugs Register for the period 1 June 2018 to 1 August 2020;

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

## **Background**

- 5. On 1 June 2018, the Respondent was removed from the RCVS Register, as he had not paid his annual retention fee.
- 6. On 21 June 2018, the Respondent was said to have carried out an equine pre-purchase examination (PPE) of a horse for a client, SS. He was also said to have provided a PPE certificate to SS, together with a covering letter, and to have used the post nominal "MRCVS" on those documents when he was not on the Register. On 22 November 2018, the Respondent paid his retention fee and his name was restored to the register the following day. He had remained on the Register as a UK practising veterinary surgeon since then.
- 7. The College became aware of the PPE as well as the PPE veterinary certificate and its covering letter following which the College began to contact the Respondent for further information regarding several issues, namely, the PPE, the use of the post nominal "MRCVS" on the PPE certificate and the covering letter, the Registrant's Professional Indemnity Insurance (PII) or equivalent arrangements, his CPD for the previous three years, as well as seeking copies of his Day Book and/ or Controlled Drugs Register.

8. The Charges arose out of allegations against the Respondent in respect of undertaking a PPE and use of the post nominal “MRCVS” when he was not on the RCVS Register, a failure to have in place adequate PII or equivalent arrangements, as well as a failure to provide the College with information when reasonably requested by it to do so.

## **Charges**

9. The Committee found all the Charges proved to the requisite high standard. The reasons for so concluding are set out in detail in that Committee’s decision dated 4 August 2021. That Decision can be found on the RCVS’s website. It is therefore not necessary to repeat them here. Suffice it to say that the evidence adduced by the College was clear and substantial. That evidence was accepted in its entirety. What is of significance for the purposes of the present Application is the findings that the Committee made on the issue of Disgraceful Conduct in a Professional Respect.

## **Decision on Disgraceful Conduct in a Professional Respect**

10. The Committee accepted that the test for considering disgraceful conduct in a professional respect was whether the conduct falls far short of that which is expected of a member of the veterinary profession.
11. The Committee took into account those sections of the “Disciplinary Committee Procedure Guidance” and the “Disciplinary Committee Sanctions Guidance” which were relevant to that issue. The Committee noted that it was entitled to take into account the aggravating and mitigating factors in the case provided they did not amount to personal mitigation.
12. The Committee was of the view that the Respondent breached the following provisions of the Code:

*“3.4 Veterinary surgeons must ensure that all their professional activities are covered by professional indemnity insurance or equivalent arrangements*

....

*5.1 Veterinary surgeons must be appropriately registered with the RCVS.*

*5.2 Veterinary surgeons must provide the RCVS with their VetGDP/PDP and CPD records when requested to do so*

....

*5.4 Veterinary surgeons, and those applying to be registered as veterinary surgeons, must comply with reasonable requests from the RCVS as part of the regulation of the profession....*

*6.5 Veterinary surgeons must not engage in any activity or behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession.”*

13. In considering whether the conduct amounted to disgraceful conduct in a professional respect the Committee had regard to the public interest which included protecting the health and welfare

of animals, maintaining public confidence in the profession and declaring and upholding proper standards of conduct and behaviour.

14. The Committee considered whether each charge either individually or in combination could amount to disgraceful conduct in a professional respect and made the following Findings.

#### **Charge 1(a) and (b)**

15. In carrying out a veterinary PPE of a horse, as well as using the post-nominal MRCVS on the PPE certificate and covering letter, when he was not on the RCVS Register, the Respondent breached a fundamental tenet of the Code.

16. The reason for not being on the Register was that he had not paid his annual retention fee. In a letter to the Preliminary Investigation Committee dated 21 July 2020 the Registrant stated:

*“In 2017 my practice manager of 13 years retired. She was very competent and had trained the replacement staff. However, the renewal fee was overlooked and not paid. I understand it is my personal responsibility to renew my annual membership, I had previously relied on my practice manager to carry this out for me. Unfortunately I did not realise this was not done and as soon as I had this brought to my attention I renewed my Membership”.*

17. The Committee took into account that the reason given by the Respondent for the lapse of his registration was an administrative oversight. The Committee had no reason not to accept this, and that therefore the lapse was not a premediated or intentional action. Further, the RCVS had sent reminders chasing payment over a period of months, so although this was an administrative oversight prompts were given for its correction which were ignored. It was the view of the Committee that the RCVS had gone beyond what should be necessary to obtain a retention fee. The Committee was of the view that it was a crucial part of the Respondent's registration, and his obligation to his regulator, for which he was personally responsible, that he was aware of the deadline for payment of his annual retention fee. The Committee took the view that, in allowing his registration to lapse in this way, the Respondent was reckless.

18. The Committee considered that the factual findings in Charge 1(a) and (b) were serious. The Respondent's unregulated practise of veterinary surgery, and holding himself out as a member of the RCVS when his registration had lapsed, were serious matters and constitute criminal offences pursuant to sections 19 and 20 of the Veterinary Surgeons Act 1966. The Respondent's actions struck at the heart of the purpose of the Register, which is to further the welfare of animals, maintain public confidence in the profession and uphold proper standards, by ensuring that only those who are properly registered can undertake veterinary surgery. By his actions, the Respondent undermined the integrity of the Register and breached the trust of the client for whom he performed the PPE. It is apparent from the letter from SS's solicitors dated 1 March 2019 that SS paid for the PPE, and therefore the Respondent obtained a financial gain from his conduct. As a result of his actions, the Registrant brought the profession into disrepute and undermined public confidence in the profession.

19. In all the circumstances, the Respondent's actions fell so far short of what was expected as to amount to disgraceful conduct in a professional respect.

### **Charge 2(a)**

20. The Respondent's failure to have PII (or equivalent arrangements) in place for a period spanning almost 1 year and 9 months breached a fundamental tenet of the Code. To have PII or equivalent arrangements in place is a fundamental requirement of being a professional in practice. The Committee was of the view that the Respondent's failure placed clients at financial risk if they had a claim against the Respondent and were unable to obtain any satisfaction for that claim against him. This had serious implications that placed not only clients at risk of financial harm but also animals at risk of harm if clients were deprived of financial resources.
21. The Respondent was not a newly qualified vet and could reasonably have been expected to know that he was required to have PII and that he did not. Indeed he had previously purchased PII and must have been aware of its existence and importance. The length of time during which he did not have PII aggravated his behaviour and made it more serious. Even if he had in the past delegated his administrative duties to his office manager who was no longer in post, he was still personally responsible for ensuring that it was in place. The Committee was of the view that in not having PII for such a significant period the Respondent did gain financially by not having to pay the insurance premiums required of him.
22. The Committee therefore decided that the Respondent's failure fell so far short of what was expected as to amount to disgraceful conduct in a professional respect.

### **Charges 2(b) and 3 (a) – (d)**

23. The factual findings in Charges 2(b) and 3(a) – (d) all relate to a failure to provide the RCVS with important information relating to his professional practice. Those requests for information by the RCVS were all made in the ordinary course of its basic function as the Respondent's regulator.
24. The RCVS's requests for information about the concerns relating to the PPE, as well as the concerns relating to performing the PPE and using the post-nominal MRCVS without being on the Register were serious matters. The Respondent could reasonably be expected to have realised the importance of complying with the requests for information in a timely manner.
25. The requests for information regarding PII, CPD, and copies of the Day Book and Controlled Drugs Register were all matters which were important and fundamental aspects of the Respondent's professional life. As a result of the prolonged and persistent failure to provide the information over significant periods of time, the RCVS invested resources in seeking to contact the Respondent by various means on multiple occasions, including letters by post, email,

telephone calls, and personal visits. It appeared to the Committee that the RCVS was genuinely and proportionately attempting to ensure that the Respondent engaged in providing the requested information.

26. The Respondent demonstrated a pattern of behaviour in not responding, which was sustained and persistent. He asked for extensions of time but did not make good on his assurances that he would provide information. Due to the length of time during which the Respondent failed to comply with the requests, as well as the proliferation of issues in respect of which he did not comply, the Committee was of the view that he demonstrated a wilful disregard of the role of the RCVS and the regulatory processes. This was particularly serious in light of the reliance which the RCVS places upon its members to cooperate with providing it with information relating to their professional practice which is relevant to the RCVS's regulation of the profession.
27. There was no harm caused to animals or the public, and the Committee acknowledged that practice circumstances have been made more difficult in general by the Covid-19 pandemic. However, as set out above, the Respondent's failures to comply were serious and undermined the functions of the RCVS. The Committee was satisfied that the Respondent's failures fell so far below what was expected as to amount to disgraceful conduct in a professional respect.

## **Conclusions**

28. On the basis of the above, the Committee decided that the Respondent's conduct in Charges 1, 2 and 3 demonstrated departures so far below professional standards expected of the Respondent as to amount to disgraceful conduct in a professional respect.

## **Sanction**

29. Here too the details of reasoning adopted by the Committee can be found in the body of its Decision which appears on the College's website. In essence the reasons for concluding that the Applicant's conduct warranted the sanction of removal from the Register were as follows.
30. Respondent created a risk of harm to animals and clients, he brought the profession into disrepute and he undermined public confidence in the profession. His behaviour was a serious departure from standards set out in the Code, and was prolonged and sustained in nature.
31. The Respondent demonstrated a wilful disregard of the role of the RCVS and the regulatory processes by way of his disgraceful conduct. In addition, his lack of engagement with the hearing process indicates to the Committee that he is not engaging with his regulator and, along with the limited insight and lack of remediation with respect to the disgraceful conduct, this demonstrates a lack of insight into the seriousness of his actions or their consequences.
32. The Committee applied the principle of proportionality and took into account the impact of such a sanction on the Registrant's ability to practise his profession, as well as a potential financial impact (although it had not had any information about this). However, the Committee determined

that the need to protect animals and clients and uphold the wider public interest outweighed the Respondent's interests in this regard. Any lesser sanction would lack deterrent effect and would undermine public confidence in the profession and the regulatory process. Removal was the only appropriate and proportionate sanction.

## **The Present Application for Restoration to the Register**

### **The Statutory Provisions**

33. These are clearly stated in the Act and the Procedure and Evidence Rules - and they set the parameters within which Applications such as this are to be considered and the RCVS Manual and Guidance publications identify the criteria to which the Committee should have regard when determining such Applications.
34. **The Act:** Section 18 of the Veterinary Surgeons Act 1966 provides as follows:-
- (1) Where a person's name has been removed from the register of veterinary surgeons or the supplementary veterinary register in pursuance of a direction under section 16 of this Act, the name of that person shall not again be entered in the register from which it was removed unless the disciplinary committee on application made to them in that behalf otherwise direct.*
- (2) An application under this section for the restoration of a name to either of the said registers or for the removal of a suspension of registration shall not be made to the disciplinary committee (a) within ten months of the date of removal or suspension; or within ten months of a previous application thereunder ... .*
35. Rule 20 of the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules 2004 provides that:-
- 1. An application to the Committee under section 18 of the Act, for the restoration of a name to the register ... shall be made in writing to the Clerk and shall set out the grounds for the application.*
  - 2. The applicant may submit with his application any documentary evidence which he wishes to have drawn to the attention of the Committee in support of his application, including references.*
  - 3. On receipt of an application to which this Rule applies, the application shall be listed for hearing within 3 months.*
  - 4. The Clerk shall provide a copy of the application and supporting documentation to the Solicitor.*
  - 5. The Chairman and the Solicitor may invite the applicant to provide any further evidence, including evidence concerning the applicant's identity, character and conduct since his name was removed from the register.*

6. *At the hearing of an application to which this Rule applies:*
- (a) *the applicant shall be entitled to address the Committee, and to adduce evidence and make submissions, in support of the application;*
  - (b) *the Solicitor shall be entitled to address the Committee, and to adduce evidence and make submissions, in opposition to the application.*
7. *Subject to the foregoing provisions of this Rule, and to Part IV of these Rules, the procedure of the Committee in connection with the applicant shall be such as they may determine.*

## **Guidance**

36. Applications for restoration to the register are also addressed in the ***Disciplinary Committee Manual 2013***. The Manual notes that:-
- (a) the burden of proof is on the Applicant, to satisfy the Committee that he or she is fit to be restored to the Register, to the balance of probabilities: paragraph 181;
  - (b) the Committee will be concerned to learn of the character and conduct of the Applicant since his or her name was removed from the Register. Commonly this is likely to include expressions of remorse, the likelihood of repetition of the behaviour which resulted in the finding of disgraceful conduct in a professional respect, whether the Applicant has kept him or herself sufficiently up to date with the techniques of practice since removal and the repercussions of the disciplinary offence that led to removal: paragraph 182;
  - (c) the Committee will be concerned to judge the weight of the case which led to the decision to remove the name of the Applicant from the Register: paragraph 184.
37. **The *Disciplinary Committee Guidance 2020*** notes at paragraph 187 that the Committee must consider:-
- (a) whether the Applicant has accepted the findings of the Committee at the original inquiry hearing;
  - (b) the seriousness of these findings;
  - (c) whether the Applicant has demonstrated insight into his or her past conduct;
  - (d) the protection of the public and the public interest;
  - (e) the future of the welfare of animals in the event of the Applicant being permitted to return to have his or her name returned to the Register;



- (f) the length of time for which the Applicant has been off the Register;
- (g) the Applicant's conduct since removal from the Register;
- (h) 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 practice as a veterinary surgeon).

38. The Guidance concludes at paragraph 188 as follows:-

*The Disciplinary Committee will only restore the name of the applicant veterinary surgeon to the register where the applicant has satisfied it that he or she is fit to return to unrestricted practice as a veterinary surgeon and that restoration is in the public interest.*

**The Committee's Findings:**

- 39. The burden of proof is on the Applicant, to satisfy the Committee that he is fit to be restored to the Register, on the balance of probabilities: paragraph 181 of the Manual. In this instance the Applicant has not attended the Case Management Conference which was fixed for hearing on 13 July 2023 and he has not attended this Hearing which was fixed for today. Numerous attempts have been made by the Committee's Clerk and the College's solicitors to communicate with the Applicant since their telephone conversation of 1 June 2023. These are detailed in the Chronology which the Clerk provided and attested to when she gave evidence. In substance, the Applicant has failed to communicate with or respond to the College's attempts to assist him in his preparation of his Application since he sent his email of 2 June 2023. In these circumstances the Applicant has done very little of substance to provide support for his Application and has failed to adduce evidence to satisfy the criteria which apply to applications for restoration. In short, he has provided no meaningful assistance or evidence to the Committee.
- 40. The Committee has no evidence concerning the character and conduct of the Applicant since his name was removed from the Register, save his one email to the College dated 2 June 2023 [1-1]. It does suggest that he accepts the Findings of the Committee which ordered the removal of his name from the Register and contemplates the provision of references from third parties who would support his application for restoration. However, there has been but one such supporting letter, namely that of Dr Gemma Campling of Worldwide Vets, Essex. It is for the Committee to decide whether he has expressed remorse, whether he has addressed the issue of the likelihood of repetition of the behaviour which resulted in the finding of disgraceful conduct in a professional respect, whether the Applicant has kept himself sufficiently up to date with the techniques of practice since removal and the repercussions of the disciplinary offence that led to removal. Having considered these, the Committee's conclusion is that there is no evidence before it to meet these criteria.
- 41. The Committee has considered the weight of the case which led to the decision to remove the name of the Applicant from the Register: paragraph 184. The weight of the case against him was

substantial – see the Findings of the original Committee set out above, which this Committee accepts.

42. Next the Committee has considered whether the Applicant has adduced sufficient evidence to establish that he has accepted the findings of the Committee at the original inquiry hearing – paragraph 187 of the Guidance. He said in his email of 2 June 2023 “*I accept my previous shortcomings which led to me being removed from the Register. I have had time to address these issues and been able to plan future protocols which will ensure they never happen again*”. He has not provided any evidence of planned protocols and without him being present to support his application for restoration the Committee has not been able to test the general statement of acceptance of the Findings of the original Committee. The Committee was not persuaded that he has satisfied this criterion.
43. The Committee has considered the seriousness of the Findings made against him in the 2021 Decision. These are set out in the paragraphs commencing at 73 under the sub-heading Disgraceful Conduct in a Professional Respect. The Applicant’s misconduct which led to the removal of his name from the Register was serious and concerning. He certified an inspection of a horse for sale when he was not a registered veterinary surgeon; he practised as a veterinary surgeon when he was not insured (thereby putting clients at risk); and he thereafter failed to respond to the requests from the College for information and did so over an extended period of time. This misconduct explains why the original Committee took a serious view of his behaviour and determined that only the sanction of removal from the Register could be justified in the circumstances. This Committee accepts the conclusions of the original Committee both as regards the Findings on Disgraceful Conduct in a Professional Respect and as regards the appropriate sanction. It was therefore incumbent on the Applicant to adduce evidence to address those Findings and to show that he was someone who could safely be returned to practice as a veterinary surgeon. He has not done this.
44. Turning to the issue of whether the Applicant has demonstrated insight into his past conduct, there is no useful evidence that he has demonstrated insight into his past conduct on the documentation before this Committee. In regard to this application, he has continued to disregard communications from the College, thus demonstrating continued lack of insight.
45. As regards the criterion of protection of the public and the public interest, the Findings which the original Committee made in this respect commencing at paragraph 111 of its Decision are accepted and, having not heard any oral or other meaningful evidence from the Applicant, this Committee has before it no evidence to address this criterion.
46. The future of the welfare of animals in the event of the Applicant being permitted to have his name returned to the Register is the next criterion which was considered. There is before the Committee nothing to address this factor other than the short assertion in this single letter of reference from Worldwide Vets which states that “*he put animal welfare at the forefront of all activities*”. This reference attests to the Applicant’s period in that organisation which covered a period of only 4 weeks. The Committee did not find this limited information to be of value in determining this criterion in the Applicant’s favour.

47. The length of time for which the Applicant has been off the Register was the next factor which was considered. His name was removed from the Register on 4 August 2021. The Committee does not consider this to be a substantial period for a veterinary surgeon to be off the Register (almost 2 years) in terms of a risk that he would be deskilled and would not, of itself, preclude a successful application for restoration.
48. As regards the Applicant's conduct since removal from the Register, the Committee considers that he has evinced a not dissimilar lack of cooperation with the College as occurred during the period which gave rise to his original charges. This is, therefore, a matter of some concern to this Committee that the Applicant has not yet shown a change in his conduct and attitude towards the Regulator of the profession to which he wishes to return.
49. 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 must not practise as a veterinary surgeon) is the next factor the Committee considered. There is no documentation to substantiate his assertion of his efforts in this respect, other than the email from Worldwide Vets, despite the Applicant's statement that he would produce such documentation for the Committee.
50. There remains the important factor that the Disciplinary Committee will only restore the name of the applicant veterinary surgeon to the register where the applicant has satisfied it that he or she is fit to return to unrestricted practice as a veterinary surgeon and that restoration is in the public interest. The Committee's real concerns about this application and this Applicant are that it has before it no evidence of any value or substance to satisfy either of these criteria. There is no basis on which the Committee could conclude that the Applicant is fit to return to unrestricted practice. In turn, there is no basis on which the Committee could conclude that it is in the public interest that this Applicant's name be restored to the Register. It is of importance to the profession and to members of the public that restorations to the Register should only occur when the Applicant has established by clear evidence that the criteria which are set out in the public documents produce by the College have been satisfied. The Manual and the Guidance publications are the product of learning and experience acquired over many years and fulfilment of those criteria have been proven to be important to the maintenance of high levels of professional competence and to the maintenance of public confidence in the competence and honesty of members of the veterinary profession.
51. Having regard to the above criteria and its findings on them, the Committee considers that it remains the case that the protection of the public and the public interest requires that his name be not restored to the Register and therefore refuses this Application.

**Disciplinary Committee**  
**20 July 2023**