



ROYAL COLLEGE OF VETERINARY SURGEONS
VETERINARY NURSE DISCIPLINARY COMMITTEE

INQUIRY RE:

MR GEORGE ASPEY RVN (1)

MRS SUSAN HOWARTH RVN (2)

DECISION OF DISCIPLINARY COMMITTEE
ON DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT

1. The Committee having found facts proved in the Allegations against both Mr Aspey and Mrs Howarth, went on to consider whether those facts amounted to disgraceful conduct in a professional respect.
2. The Committee heard submissions from Mr Collis, Ms Ritchie and Mrs Howarth. It heard and accepted advice from the Legal Assessor and referred to its findings of fact at the previous stage of the proceedings.
3. Mr Collis, on behalf of the Royal College of Veterinary Surgeons ('the College'), submitted that the charges admitted by Mr Aspey, in their own right and collectively are sufficiently serious to amount to disgraceful conduct in a professional respect. He submitted that there could have been no valid direction for administration of the anaesthetic used and the prescribing of meloxicam. Mr Collis referred to several of the provisions of the RCVS Code of Professional Conduct for Veterinary Nurses ('the Code') which he said had been breached. Mr Collis referred the Committee to the opinion of Dr Shield that his conduct fell 'far below' the required standard.
4. Mr Collis submitted that Mr Aspey's conduct had fallen far below the standard, in having created a false record under his own dog rather than creating a new record for Mrs Howarth's dog. Further, the dishonest conduct in so doing impugned a fundamental tenet of the profession, namely in the Principles of Practice RVN Code of Conduct which refers to "honesty and integrity" he submitted.

5. In relation to Mrs Howarth, Mr Collis submitted that the position was more nuanced, in light of the Committee's factual findings. He submitted that there was no possibility of a valid direction to use propofol in anaesthetising Nessa. He submitted that Mrs Howarth's conduct was a misunderstanding of the legal and regulatory position.
6. Mr Collis referenced, though, Dr Shield's opinion that Mrs Howarth's conduct in cannulating Nessa and conducting a descale and polish dental procedure in the particular circumstances, was not 'far below' the standard. He submitted that Mrs Howarth's conduct was disgraceful conduct in a professional respect, on the basis of paragraph 1(a) of the Allegation, alternatively due to the cumulative effect of paragraphs 1(a), 1(b) and 1(c) taken together.
7. Ms Ritchie, on behalf of Mr Aspey, submitted that Mr Aspey's conduct had fallen 'below' but not 'far below' standard, in the very particular circumstances of the case. Mrs Ritchie drew the Committee's attention to the evidence of Mr Aspey's broader honesty before the events complained of, together with his conduct in response to the Allegation.
8. Ms Ritchie noted the admission and finding of dishonest conduct, but submitted that the Committee should take into account the wider circumstances submitting that there is a range of seriousness, in relation to dishonest misconduct. She submitted that it was relevant that Mrs Howarth was treating her own dog, a fact which Dr Shield had noted.
9. Ms Ritchie submitted that there had been no inclination to not follow the 'rules', but rather a foolishness, and a lack of caution in proceeding to carry out the procedure. She submitted that there had been a clear tightening of procedures at the Practice subsequently. Dr Davies had stated in her evidence that referral to the College had been 'heavy handed' and the matter had already been dealt with internally as an isolated incident.
10. Ms Ritchie submitted that there was no evidence to suggest other than that Nessa had received the best of care. Mr Aspey was praised in the evidence as a most capable and experienced RVN. Veterinary surgeons had been on hand to assist, if this had been necessary.
11. Mrs Howarth submitted that, she had been under the impression that the use of a calculated dose of propofol was not contemplated at the time that the relevant guidance had been formulated. In this case, the evidence showed the use of a calculated dose. *Mrs Howarth submitted that the anaesthetic selected (propofol) was given as a calculated dose based on body weight. She believed that due to the open nature of the conversation in the preparing room and the presence of numerous veterinary surgeons at this juncture, that this was implied direction.*
12. The Legal Assessor advised the Committee that the decision on disgraceful conduct in a professional respect is a matter for its own judgement, not involving a burden or standard of proof. He referred the Committee to the College's guidance *Disciplinary Committee Procedure and Sanctions Guidance* document (updated 2020) ('the Guidance').

13. The Legal Assessor advised the Committee that, in *Macleod v RCVS*, PC 88 of 2005, the description approved was that disgraceful conduct in a professional respect means conduct which falls far short of that which is expected of members of the veterinary profession. The Guidance sets out that it is an equivalent to the concept of 'serious professional misconduct'.
14. The Legal Assessor advised the Committee to have regard also to the Code which sets out professional standards which are appropriate to consider. It is not every breach of the Code which will amount to disgraceful conduct in a professional respect: the question whether the conduct is sufficiently serious is for the Committee's judgement. The Guidance also sets out that the Committee may take into account aggravating or mitigating factors which are not personal mitigation in making its decision at this stage.
15. The Legal Assessor advised the Committee to consider whether its findings of fact meant that either Respondent was guilty of disgraceful conduct in a professional respect.

Mr Aspey

16. The Committee addressed its findings in respect of the Allegation against Mr Aspey.
17. The Committee referred to the Code of Professional Conduct for Veterinary Nurses in place at the time of the misconduct.
18. The Committee took into account, that in its findings at the stage of determining facts, it had accepted that there had been an openness about the procedure to be carried out on Nessa. A discussion about anaesthetising Nessa had occurred and Mrs Howarth had carried out a pre-operative assessment of the dog. It had also accepted that it was likely that Mrs Howarth had a conversation about Nessa with Dr Houghton in the preparation room prior to anaesthesia and later in the x-ray room who had come into the x-ray room.
19. The Committee also took into account Dr Davies' evidence that RVNs had been accustomed to carry out induction of anaesthesia (subject to direction) and Dr Underhill's evidence that RVNs had anaesthetised animals at the Practice until after this incident.
20. The Committee also accepted the expert evidence of Dr Shield, "*the induction and maintenance of anaesthesia are acts of veterinary surgery that may be delegated to an RVN by a veterinary surgeon in the practice, but which an RVN must not perform independently*". The Committee took into account Dr Shield's opinion that this was conduct 'far below' the expected standard.
21. The Committee considered that there had been a breach of the Code in the following paragraphs:
 - Paragraph 1.2 (Veterinary nurses must keep within their own area of competence and refer cases responsibly)

- Paragraph 1.5 (Veterinary nurses who supply and administer medicines must do so responsibly)
- Paragraph 6.5 (Veterinary nurses 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).

22. The Committee took into account that there was also a breach of the law relating to the control of POM-V medicines in this misconduct.

23. Notwithstanding that the procedure had been carried out openly, without apparent objection by the present vets or any other colleagues, the Committee took into account that Mr Aspey had known that he had received no direction. It also took into account that, as an experienced RVN, he had been aware of the restrictions. The Committee concluded that Mr Aspey's conduct in respect of paragraph 1(a) of the Allegation was a serious professional failing and was disgraceful conduct in a professional respect.

24. In relation to paragraph 1(b) of the Allegation, the Committee was mindful that meloxicam is also a POM-V medication and similar considerations applied as in the case of paragraph 1(a). There had been no prescription by a veterinary surgeon and Mr Aspey had been aware of this fact. The Committee took into account Dr Shield's opinion that this was conduct 'far below' the expected standard.

25. The Committee concluded that Mr Aspey's conduct in respect of paragraph 1(b) of the Allegation was a serious professional failing and was also disgraceful conduct in a professional respect.

26. In relation to paragraph 1(c), the Committee found that Mr Aspey's conduct had breached the Code paragraphs as follows:

- Paragraph 4.1 (Veterinary nurses must work together and with others in the veterinary team and business to co-ordinate the care of animals and delivery of service)
- Paragraph 4.5 (Veterinary nurses must communicate effectively, including in written and spoken English, with the veterinary team and other veterinary professionals in the UK)
- Paragraph 6.5 (above)

27. The Committee considered that creating a false record conflicted with these Code principles. It accepted the submission that the procedure in question was of a low level and there would not be any risk of harm to Chester Aspey as a result. However, the Committee considered that maintaining the integrity of the record was an important matter. It also took into account that the conduct was admitted to have been misleading and dishonest, which attacked fundamental professional tenets.

28. The Committee took into account Dr Shield's opinion that the conduct fell 'far below' the expected standard and noted the citation from *Tait v RCVS* [2003] UKPC34, that

dishonesty in a professional person is at the 'top end' of a spectrum of gravity of misconduct.

29. The Committee found that Mr Aspey's conduct in respect of paragraphs 1(c) and 2(a) and 2(b) of the Allegation were serious professional failings and were also disgraceful conduct in a professional respect.
30. The Committee therefore determined that, in respect of the Allegation against Mr Aspey, he was guilty of disgraceful conduct in a professional respect and it would therefore go on to consider the matter of any sanction necessary.

Mrs Howarth

31. The Committee addressed its findings in respect of the Allegation against Mrs Howarth. It reflected again on its findings of fact in relation to the circumstances in which the procedure had been carried out on 18 February 2023, which had been as set out above.
32. The Committee took into account that it was not in dispute that it had been Mrs Howarth's own dog which had been the subject of the procedure. Moreover, the procedure had been described as low level and one within the scope of the experience and competence of both Respondents. There had been no harm caused or risk to any animal belonging to a member of the public. Nevertheless, the Committee wished to state that the conduct had involved the breach of important safeguards which applied generally and to which responsible members of the profession were required to adhere.
33. In considering paragraph 1(a) of the Allegation against Mrs Howarth, the Committee was mindful that it was one of '*allowing*' her dog to have been anaesthetised and monitored for anaesthesia. The Committee had found at the earlier stage that Mrs Howarth had a belief that Mr Aspey had obtained the necessary permissions and directions for the anaesthesia to be carried out. She had been apparently reinforced in her view by the presence of veterinary surgeons and the occasional discussion with Dr Houghton.
34. The Committee had found, as a matter of fact, that there had been no actual direction or supervision by a registered veterinary surgeon. The Committee considered that Mrs Howarth's error had been in her readiness to rely on Mr Aspey and not to have checked for herself that her dog had been properly booked into the Practice and that Nessa was under the care of a registered veterinary surgeon.
35. The Committee took into account Dr Shield's report, where she had stated: "*Should the Committee find it reasonable of Mrs Howarth to have believed, however wrongly, in all the circumstances of that day, that veterinary approval for her and Mr Aspey's actions in anaesthetising her dog had been sought and obtained, then I make no criticism of her actions.*"
36. The Committee acknowledged that it had only lately come to Dr Shield's attention that the anaesthetic used had been propofol. She had expressed a high degree of concern

at this, and stated that this should not have been administered by a RVN. Nevertheless, the Committee noted the evidence of both Dr Davies and Dr Underhill that RVNs were in the custom of inducing anaesthesia at the Practice around the date of the procedure.

37. The Committee concluded that Mrs Howarth had believed that Mr Aspey had obtained the necessary approval for the use of the POM-V. It concluded that, whilst her conduct was below the required standard, in the particular circumstances of the case, it was not 'far below'.
38. The Committee did not find that Mrs Howarth's conduct was disgraceful conduct in a professional respect, in relation to paragraph 1(a).
39. The Committee next considered paragraphs 1(b) and 1(c) of the Allegation. The Committee found that the evidence showed that Mrs Howarth was an experienced and competent RVN. The procedures were of a 'low level' of complexity and Mr Aspey had also been on hand to assist Mrs Howarth if necessary. In addition, a number of vets were on duty on the day, if needed. The procedure had been carried out openly, in normal clinic hours and with no suggestion of concealment.
40. The Committee had found that Mrs Howarth had relied on the necessary arrangements having been made by Mr Aspey. It found that Mrs Howarth's error had been in her readiness to rely on Mr Aspey and not to have checked for herself that her dog had been properly booked into the Practice and that Nessa was under the care of a registered veterinary surgeon
41. The Committee concluded that, whilst Mrs Howarth's conduct was below the required standard, in the particular circumstances of the case, it was not 'far below'.
42. The Committee did not find that Mrs Howarth's conduct was disgraceful conduct in a professional respect, in relation to paragraphs 1(b) and/or 1(c) of the Allegation.
43. The Committee is clear that, as Mrs Howarth herself admitted, she should have ensured that they obtained suitable permission to have the procedure carried out. However, for all the reasons given above, the Committee finds that Mrs Howarth is not guilty of disgraceful conduct in a professional respect.

DISCIPLINARY COMMITTEE
17 DECEMBER 2025