

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**LOUISE HENRY MRCVS**

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**DECISION ON FINDING OF FACTS, DISGRACEFUL CONDUCT  
AND SANCTION**

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The Charge (as amended)

“That, being registered in the Register of Veterinary Surgeons, and whilst in practice at Bennett-Williams Vets, Construction House, Gaerwen Industrial Estate, Anglesey, LL60 6 HR (“the Practice”) you:

1(A) On or around 9 January 2020 wrote and/or signed an undated “To Whom it May Concern” letter with the following text.

*This is to confirm that the ewe Tag number UK 70222400541 belonging to [Mr. XX]...died in transit to the surgery due to dystocia and peri-parturient stress”.*

when in fact you had euthanased the said ewe at the Practice on 8 January 2020.

1(B) Your conduct in relation to 1 (A) above was dishonest.

And that in relation to the above you are guilty of disgraceful conduct in a professional respect”.

Ms. Nicole Curtis appeared on behalf of the College. Ms. Eleanor Sanderson appeared on behalf of the Respondent.

Preliminary Matter.

1. At the outset of the case Ms. Curtis made an unopposed application to amend the Charge which was allowed. Details of that application appear at Annex A to this Determination.
2. On behalf of the Respondent, Ms. Sanderson admitted the amended Charge.

Factual background

3. The Committee received an Inquiry Bundle of documents which included the following:
  - Witness statement of Nicola Rolph MRCVS, South Hub Clinical Lead for CVS Group PLC;
  - Witness statement of Amy Webb, Practice Director at Bennett-Williams Vets;
  - Witness Statement of Alicja Kolodziejczyk MRCVS, Large animal senior vet at the Practice;
  - Undated "To Whom it May Concern" letter containing the text set out at Charge 1;
  - Clinical records for January 2020 relating to the ewe identified at Charge 1;
  - Extract from Farm Diary kept at the Practice;
  - A Note of a Meeting held on 12 March 2020 between the Respondent, Ms. Rolph and Ms. Webb;
  - Various emails passing between the Respondent and Ms. Webb
  - A letter from Ms. Rolfe inviting the Respondent to attend a disciplinary meeting on 27 March 2020
  - The Respondent's self-report in relation to this incident on 21 April 2020 and subsequent correspondence with the College.
  
4. The Committee was concerned with events that had occurred in connection with the treatment of a ewe which had been brought to the practice at which the Respondent was then working. The Respondent had qualified as a veterinary surgeon in 2006 and had started work at the Practice in Anglesey in September 2019.
  
5. On 8 January 2020 the Respondent was on-call. In the evening she received a call from a client who requested assistance with a ewe which was lambing. The client brought the ewe to the practice where the Respondent advised a Caesarean section. The client agreed and the Respondent delivered two live lambs and one dead lamb. The Respondent was concerned about the welfare of the ewe post-surgery, in particular the risk of peritonitis due to the presence of gut contents, and advised that the ewe should be euthanised for welfare reasons. The client agreed.
  
6. After the ewe had been euthanised the client asked the Respondent to write a letter falsifying the reason for the death of the ewe. He pressed the Respondent to do this and she agreed to do so.
  
7. The following day, according to the Respondent, she typed the letter which forms the subject of the amended Charge.
  
8. The Respondent did not make a clinical note immediately following the treatment she had given on 8 January 2020. [REDACTED]. She gave notice of her resignation from the Practice on 9 January 2020 and on 13 January 2020 injured her back and needed to take two weeks off work. The Respondent made a clinical note, in relation to the events which had occurred on 8 January 2020, on 31 January 2020. She made this entry after she had been prompted by an enquiry made by the Practice Director, on 29 January 2021. The Practice Director had noticed the undated letter referred to in Charge 1 in the insurance file, an entry in the farm diary which referred to the caesarean procedure that had been carried out and the lack of a bill. She asked if the Respondent could discuss the case with her, and the large animal senior vet at the practice, the following day.

9. In response, the Respondent sent an email to the Practice Director stating that the lack of billing was an oversight [REDACTED] and “Your statement regarding a certificate saying the animal died in transit is also incorrect”.
10. Subsequently an investigatory meeting was arranged for 12 March 2020 at which Ms. Rolph, Ms. Webb and the Respondent were present. At that meeting the Respondent explained the treatment she had undertaken and accepted that she had written the letter referred to in Charge 1. She thought she had written the letter the day after treating the ewe. She accepted it was an error of judgment [REDACTED].
- 11 The Bennett-Williams Practice scheduled a disciplinary meeting for 27 March which did not take place as the Respondent had by then left the Practice.

#### The Committee’s findings in relation to facts

12. The Committee is satisfied that the admission to the factual aspect of the amended Charge made by the Respondent is appropriate, having regard to the text of the letter and the Respondent’s acceptance that she knew when she wrote the letter that its contents were untruthful and inaccurate. An ordinary, decent person would regard such conduct as dishonest.
13. The Committee therefore finds the facts of Charge 1 proved.

#### Disgraceful conduct in a professional respect

14. Ms. Curtis submitted that the Respondent’s conduct undermined fundamental principles of the profession, namely to act with honesty and to ensure the integrity of veterinary certification. She referred the Committee to the *Code of Professional Conduct for Veterinary Surgeons* [“the Code”] which provides that one of the key principles that must be maintained by registrants is “honesty and integrity”.
15. Ms. Curtis drew the Committee’s attention to section 6.5 of the Code which provides that:  
*“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”.*  
Ms. Curtis also referred to the Disciplinary Committee’s Guidance document of August 2020 (paragraph 76) which provides:  
*“Proven dishonesty has been held to come at the top end of the spectrum of gravity of disgraceful conduct in a professional respect. In such cases, the gravity of the matter may flow from the possible consequences of the dishonesty as well as the dishonesty itself. The Privy Council has, in a case involving dishonesty provided guidance on the distinction between removal and suspension from the Register.”*
16. In relation to certification and the importance of the veterinary certification process Ms. Curtis referred to Section 6.2 of the Code which states:

*“Veterinary surgeons must certify facts and opinions honestly and with due care, taking into account the 10 Principles of Certification”*

The supporting Guidance states:

*“21.3 Veterinary certification plays a significant role in the control of animal health and welfare, the continuity of European and international trade and the maintenance of public health. Veterinarians have a professional responsibility to ensure the integrity of veterinary certification. The simple act of signing their names on documents should be approached with care and accuracy.”*

*“21.4 Veterinarians must certify facts and opinions honestly and with due care, taking into account the 10 Principles of Certification set out below. They should not sign certificates which they know or ought to know are untrue, misleading or inaccurate. This applies equally to hand-written, printed and electronic certificates”*

17. Ms. Curtis submitted that the Respondent’s conduct fell far below the standard expected of a registered veterinary surgeon and amounted to disgraceful conduct in a professional respect.
18. Ms. Sanderson indicated to the Committee that this aspect of the Charge was a matter for its judgment. She stated that the Respondent accepted that the Committee would be entitled to find that the facts found proved amounted to disgraceful conduct in a professional respect.
19. The legal assessor reminded the Committee that whether or not facts amounted to disgraceful conduct in a professional respect was a matter for its judgment. The question was whether the conduct in question fell far below the standards to be expected of a veterinary surgeon and those standards were to be assessed by reference to the Code and supporting Guidance.
20. The Committee had regard to those parts of the Code and Guidance referred to by Ms. Curtis in her written submissions, and also to paragraphs 21.8 and 21.40 of the Code which provide, respectively, that:

*21.8. It should be noted that not all certificates contain the word “certificate”. Some documents for example, forms, declarations, insurance claims, witness statements and self-certification documents may involve the same level of responsibility even if they do not contain the word “certificate”.*

*21.40. Misleading, incomplete, inaccurate or untrue certification reflects adversely on the veterinarian signing and calls his or her professional integrity into question. This also impacts adversely on the general reputation of the profession. Certification of this nature may also expose the veterinarian to complaints and cases may come before the RCVS Disciplinary Committee arising from allegations of false and dishonest certification”.*

21. As the quoted extracts from the Code and supporting Guidance make clear, honest and accurate certification is fundamental to veterinary practice. Where a veterinary surgeon chooses to create a

letter which deliberately mis-states what has occurred in relation to the treatment of an animal, such conduct can only be regarded as disgraceful conduct in a professional respect.

22. The Committee has no doubt that the Respondent's conduct fell far short of what is expected of a veterinary surgeon and does therefore constitute disgraceful conduct in a professional respect.

#### Sanction

23. Ms. Curtis told the Committee that the Respondent had been admitted to the register in 2007 and there were no previous disciplinary findings. She reminded the Committee of the assistance to be derived from the Sanctions Guidance.

#### Oral and documentary Evidence

24. The Respondent gave oral evidence and confirmed the contents of her witness statement, which provided an account of the episode which had led to the Charge. In her Witness Statement she said that the farmer in question had been dissatisfied with the letter she had written and subsequently asked her to change it. She refused to do this and told him that it was wrong of her to have written the letter in the first place and that she regretted having done so.
25. The Respondent said to the Committee that she was an individual who valued integrity very highly and she was deeply ashamed that she had been prepared to write the letter referred to in the Charge. She was particularly ashamed when she thought about the implications of her conduct for the reputation of the profession, upon colleagues and upon her family. She was also particularly conscious of it when teaching students. However, she was now working at a different practice where she felt much more supported and was much happier in her professional life. These proceedings had brought home to her how much she valued her role as a veterinary surgeon.
26. Three witnesses gave oral evidence, via video-link, in support of the Respondent. All were aware of the details of the Charge.
27. Dr. Bethan Gray MRCVS had worked with the Respondent for six months in 2014. She told the Committee that she considered the Respondent to be an honourable person, as well as a talented veterinary surgeon. Dr. Gray stated that she was a practitioner of 13 years' experience and well aware of the pressures to which veterinary surgeons could be subject. She had been prepared to come and give oral evidence because of the very high regard in which she held the Respondent.
28. Dr. Aled Roberts MRCVS had worked with the Respondent for 12 months at the practice at which the Respondent was now employed. He was a partner at the practice and told the Committee that the Respondent was highly valued. He had no concerns about her integrity and honesty. He confirmed that he and his colleagues had been aware of this Inquiry from the beginning of the Respondent's employment. They were fully supportive of her.

29. Dr. Kevin Murtagh MRCVS had been at university with the Respondent and told the Committee that he considered her to be an honest and hard-working veterinarian who was providing a valuable service. She had been highly respected amongst her cohort of students. He also had no concerns about the Respondent's integrity.
30. The Committee was also provided with a bundle of further supportive testimonials, seventeen in all, from professional colleagues and friends attesting to the high regard in which those individuals held the Respondent. The Committee noted that a consistent picture emerged of a conscientious, able and honest veterinary surgeon.

#### Submissions.

31. Ms. Curtis did not add to the observations she had already made, following the conclusion of the evidence. She did not seek to challenge any of the witnesses who gave oral evidence.
32. In addressing the Committee, Ms. Sanderson submitted that all or almost all of the specific mitigating features highlighted in the Sanctions Guidance were present in this case. She emphasized that no question of financial gain was involved and that what had occurred was a single and isolated incident in an otherwise long and unblemished career. There had been open and frank admissions at an early stage and the Respondent had been under some strain [REDACTED]. Ms. Sanderson submitted that the Respondent had shown significant insight and the Committee had been provided with many supportive testimonials.
33. Ms. Sanderson invited the Committee to impose a reprimand or warning in this case. She referred the Committee to its recent decision in the case of Dr. David Chalkley, MRCVS, in which a three month period of suspension had been imposed. While accepting that decisions of the Disciplinary Committee as to sanction did not constitute precedents, Ms. Sanderson submitted that it was desirable for there to be consistency in sanction decisions and this was a less serious case than that of Dr. Chalkley.
34. The legal assessor reminded the Committee of the importance of the Sanctions Guidance which contained a distillation of the relevant principles to be applied. In particular, the purpose of sanction was not to punish a registrant but to arrive at a proportionate outcome to the present case having regard to the wider public interest which includes the maintenance of public confidence in the profession and the deterrent effect upon other registered veterinary surgeons. The legal assessor reminded the Committee that decisions in other cases were of limited assistance. He also reminded the Committee to consider sanction in ascending order until it was satisfied that a proportionate outcome had been reached. It was always good practice also to consider, if possible, a sanction immediately above that which was initially considered proportionate as a means of cross-checking the proportionality of the decision.

### The Committee's decision

35. The Committee first considered the aggravating features of the Respondent's conduct. It referred to the Sanctions Guidance and noted that this was a case which involved dishonesty. It considered whether premeditated dishonesty was involved and concluded that the Respondent's dishonesty did not fall into this category. She had been pressurised by a farmer into agreeing to write a letter in difficult circumstances. Although the Committee noted that there was an opportunity to reflect before the letter was actually written on the following day, the agreement to write such a letter had by then been made.
36. The Committee also considered whether an increased position of trust and responsibility and/or an abuse of professional position were aggravating features. The Committee did not consider that the Respondent was in a position of increased trust and responsibility. She was responsible for her actions in the sense that any veterinary surgeon is when carrying out a professional responsibility. There could be said to be an abuse of her position in the sense that the letter she created was analogous to a certificate, although it was unclear whether the letter had ever served any purpose and the Committee noted that the Respondent had refused to "improve" the letter when subsequently asked to do so.
37. The Committee therefore concluded that the aggravating features in the case were dishonesty and an abuse of professional position.
38. The Committee next turned to consider the mitigating features of the case and it accepted Ms. Sanderson's broad submission that many of the factors identified in the Sanctions Guidance applied. In particular there was no actual harm or risk of harm to an animal or human, no financial gain and this was a single and isolated incident in a career of some 13 years which had been otherwise unblemished.
39. The Committee also noted that there had been open and frank admissions from an early stage and that the episode had occurred at a time of stress for the Respondent [REDACTED]  
[REDACTED]
40. The Respondent had avoided any repetition of the behaviour when asked to "improve" the letter. The Committee was satisfied having seen and heard her give evidence that she had full insight into the implications of dishonest behaviour. The Committee considered the chances of her ever behaving in this way again were vanishingly small. There was therefore as low a risk of repetition as there ever could be.
41. The Committee was also impressed with the quality of the oral evidence given by Dr. Gray, Dr. Roberts and Dr. Murtagh and with the extent and breadth of the written testimonials. All of those who prepared written testimonials were aware of the matters which led to this disciplinary hearing. The picture they presented was a consistent one.

41. In balancing the aggravating and mitigating features the Committee noted that the aggravating features were limited and the mitigating features extensive. The Committee also found that the shame and remorse expressed by the Respondent were entirely genuine. Her conduct on the occasion in question was entirely untypical of her practice.
42. The Committee turned to consider sanction in ascending order and first considered whether to take no action. The Committee decided that such a course would be inappropriate. Dishonesty was always a serious matter and there was nothing in this case which would justify taking no action.
43. The Committee also considered that no purpose would be served by postponing a decision. This was not a case in which the passage of further time would assist in determining a proportionate sanction.
44. The Committee next considered whether to issue a reprimand or warning. The Committee had regard to the Sanctions Guidance and, in particular, to the guidance that a reprimand might be appropriate if the disgraceful conduct is at the lower end of the spectrum of gravity for such cases, there is no risk to animals and the public and there is evidence of insight. The Committee concluded that all of these features were satisfied in this case.
45. Nonetheless, the Committee reminded itself that this was a case of dishonesty and that such cases were always treated with great seriousness. The Committee therefore considered whether the need to maintain public confidence in the profession required a more restrictive sanction. After careful consideration the Committee has concluded that there are sufficient mitigating features in this case to permit it to take the somewhat unusual course of issuing a reprimand in relation to a case involving dishonesty. In taking this course, the Committee has attached significant weight not only to the isolated nature of the event itself but also to the genuine insight shown by the Respondent and the lasting impact which this event has had upon her. In the Committee's assessment a reasonable and fully informed member of the public would not regard the issue of a reprimand in this case as a sanction which failed to protect the public interest. In view of the fact that the Committee considers the chance of any repetition of this kind of misconduct to be vanishingly small, a reprimand rather than a warning is the appropriate term to be applied to this sanction.
46. In accordance with its usual practice the Committee went on to consider whether a suspension order would be appropriate and proportionate. It might be said that a period of suspension is often regarded as the minimum necessary to send a clear message that dishonesty is always wholly unacceptable. In the present case however a suspension order would in the Committee's judgement be an inappropriate outcome. It would not afford proper weight to the balance of aggravating and mitigating features and would also unnecessarily deprive the public of the services of an able veterinary surgeon whose honesty and integrity does not pose any risk to the public interest.
47. Accordingly the Committee has concluded that the appropriate and proportionate outcome to this case is that of a reprimand.



**DISCIPLINARY COMMITTEE**

**22 June 2021**