

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

**MATTHEW JOHN MAKEPEACE, MRCVS**

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**COMPLETE DECISION OF THE DISCIPLINARY COMMITTEE**

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**Amendment of the Charges**

1. At the outset of the hearing, Ms Curtis, on behalf of the College, applied to amend the last paragraph of the Charges. The original wording sought to be amended was that it was alleged that in relation to Charges 2 – 5, the Respondent was “guilty of serious misconduct in a professional respect”. Ms Curtis accepted that the correct wording, (as provided for in The Veterinary Surgeons Act 1966) was “guilty of disgraceful conduct in a professional respect”. Ms Curtis submitted the Committee had the power to make the amendment pursuant to Rule 5.6 of the 2004 Rules, as long as it could not be made without injustice.
2. Mr Ward, on behalf of the Respondent did not object.
3. The Committee accepted the advice of the Legal Assessor and decided to approve the amendment sought.

**The Charges (as amended)**

That, being registered in the Register of Veterinary Surgeons, you:

1. On 28th of July 2022, at the Scarborough Magistrates' Court, were convicted, following a guilty plea, of assaulting by beating MH on 1 January 2022 at Blandscliff, Scarborough, contrary to section 39 of the Criminal Justice Act 1988;

in relation to which offence you were sentenced to a Community Order (with an Alcohol Rehabilitation requirement and a Rehabilitation Activity Requirement, both such requirements to be completed by 27 January 2024), and a Curfew Order; and you were ordered to pay a £95 surcharge and £85 in costs;

AND it is alleged that the above conviction renders you unfit to practise veterinary surgery;

And/or

At a time when there was a potential and/or actual investigation and/or proceedings by the RCVS regarding your conviction in July 2022 for an assault on MH, you:

2. On or around 26 August 2022, submitted a character reference to the Royal College of Veterinary Surgeons (RCVS) when:
  - (i) you did not have the consent of MH, the purported writer of that reference, to submit that character reference; and/or
  - (ii) the reference stated that you and MH "still live happily together" when that was not true, either at the time the reference was submitted to the RCVS or at the time it was purported to have been written; and/or
  - (iii) the reference purported to bear the signature of MH, when you knew it had not been signed by MH;
3. Between 14 December 2022 and 31 January 2023, sent WhatsApp messages to MH:
  - (i) which were offensive and/or insulting and/or abusive; and/or
  - (ii) which were threatening and/or intimidating, more particularly a message and/or messages sent on or around 17 December 2022, saying (a) "Yes seems like you were in imminent danger" "Guess you still are now" and/or (b) that you carried a knife and pepper spray around with you and/or that you did so in case MH decided to "get revenge";

4. On 22 and/or 23 February 2023, submitted a character reference to the RCVS when:
  - (i) you did not have the consent of MH, the purported writer of that reference, to submit that character reference; and/or
  - (ii) the reference stated that you and MH “still live happily together” when that was not true, either at the time it was submitted to the RCVS or at the time it was purported to have been written; and/or
  - (iii) the reference purported to bear the signature of MH, when you knew it had not been signed by MH;
5. Your conduct in relation to 2 and/or 4 above was:
  - (i) misleading; and/or
  - (ii) dishonest;

AND it is alleged that in relation to the above matters, at 2, 3, 4 and/or 5 above, whether individually or in any combination, you are guilty of disgraceful conduct in a professional respect.

### **Background to the charges**

4. The Respondent is a registered veterinary surgeon.
5. In respect of Charge 1, on 4 July 2022, the Respondent pleaded guilty at Scarborough Magistrates’ Court to an offence of assault by beating MH, his then partner, on 1 January 2022. MH was and is a registered physiotherapist (in respect of animals as well as humans) who worked at the same premises as the Respondent. On 28 July 2022 the Respondent was sentenced to a Community Order, with an Alcohol and Rehabilitation Activity requirement, both of which were to be completed by 27 January 2024. He was also made the subject of a short Curfew Order.
6. In respect of Charges 2, 4 and 5, it is said that on two occasions in August 2022 and February 2023 respectively, the Respondent submitted a character reference to the Royal College of Veterinary Surgeons (RCVS) purporting to have been signed by MH when it was not, that the character reference was submitted without her consent, and that it contained assertions which were not true. It is alleged that the Respondent’s actions in this regard were misleading and/or dishonest.

7. In relation to Charge 3, it is said that the Respondent sent MH WhatsApp messages which were offensive, and/or insulting and/or abusive and/or threatening and/or intimidating.

### **The Committee's findings of fact**

8. The Committee was aware that the College must prove its case on the facts to the requisite standard, namely that the Committee is satisfied so that it is sure on each head of charge. Ms Curtis, on behalf of the College submitted written submissions on the facts. Mr Ward, on behalf of the Respondent made no submissions in relation to the facts.
9. With regard to Charge 1, The Committee accepted that the certified copy of the memorandum of an entry in the Magistrates' Court register was proof of the conviction, pursuant to Rule 23.3(a) of the 2004 Rules. In addition, the Respondent admitted the facts of Charge 1. Accordingly, the Committee found Charge 1 proved by way of admission.
10. With regard to Charges 2–5, the Respondent admitted all charges, and the Committee found them proved by way of admission.

### **The Committee's decision on fitness to practise veterinary surgery in respect of Charge 1 and disgraceful conduct in a professional respect in respect of Charges 2-5**

11. The Committee read the inquiry bundle, as well as the written submissions of Ms Curtis. There was submitted, on behalf of the Respondent, a bundle including character testimonials in mitigation, which were relevant to the sanction stage (if reached) rather than this stage. Mr Ward made no submissions at this stage of the proceedings.
12. The Committee considered the following provision of the Code of Conduct for veterinary surgeons:

*"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".*

### **Fitness to practise veterinary surgery in respect of Charge 1**

13. Ms Curtis submitted that the conviction rendered the Respondent unfit to practise. The Committee took into account that the Respondent admitted that the conviction rendered him unfit to practise. However, the Committee was mindful that while it could take this admission into account, this issue was a matter for its own independent judgment and that there is no burden of proof on either party.

14. The Committee accepted the advice of the Legal Assessor.
15. The Committee took into account para. 25 of the Disciplinary Committee Sanctions Guidance (August 2020) which states that a conviction arising from “behaviour unconnected with the practice of veterinary surgery can cause concerns about the protection of animals or the wider public interest”.
16. The Committee took into account the following aggravating factors:
  - i. premeditated conduct, in that the Respondent followed MH out of the pub and pursued her;
  - ii. there was an increased position of trust between the parties as partners and co-habitants, and MH was entitled to be able to trust the Respondent;
  - iii. conduct exacerbated by alcohol consumption.
17. The Committee took into account the following mitigating factors:
  - i. a single conviction with no repetition of an assault.
18. The Committee assessed the incident to be serious, taking into account its nature and circumstances as set out above. Members of the public intervened in order to protect MH, and the assault was, relatively speaking, prolonged. The assault involved strangulation and biting, and led to physical injuries inflicted by the Respondent. There was a pursuit involved, and no suggestion of the Respondent acting in self-defence.
19. The Committee considered the wider public interest. Taking into account the view of the reasonable member of the public who is well-informed of all the facts and evidence in the case, the Committee was satisfied that the Respondent’s behaviour and conviction brought the veterinary profession into disrepute. To find otherwise would undermine public confidence in the profession and fail to uphold proper standards of conduct and behaviour.

20. Accordingly, the Committee found that the conviction, set out in Charge 1, renders the Respondent unfit to practise.

### **Disgraceful conduct in a professional respect in respect of Charges 2-5**

21. Ms Curtis submitted that the Respondent's behaviour fell far short of what was expected and constituted disgraceful conduct in a professional respect. The Committee took into account that the Respondent admitted disgraceful conduct. However, the Committee was mindful that while it could take this admission into account, this issue was a matter for its own independent judgment and that there is no burden of proof on either party.
22. The Committee accepted the advice of the Legal Assessor.
23. The Committee took into account the following aggravating factors:
- i. A course of coercive, intimidating, and abusive behaviour over a significant period as set out in Charges 2-4;
  - ii. a blatant and wilful disregard of the role of the RCVS and the systems that regulate the veterinary profession in that the actions in Charges 2, 4 and 5 were intended to subvert that process and were dishonest towards the RCVS;
  - iii. the Respondent's dishonesty was for personal gain in order to present himself in a more favourable light before his regulator.
24. The Committee considered Charges 2 and 4 together, as well as Charge 5 as they related to the same conduct in respect of two separate character references submitted on two different occasions. The conduct in question disregarded the lack of consent of a fellow professional in presenting two character references as hers to a professional regulator when she had expressly stated that she did not consent to their submission. Further, the Respondent's actions were deliberately and actively calculated to dishonestly mislead the RCVS and the Disciplinary Committee in the exercise of their public duties to regulate veterinary surgeons, for his personal gain in presenting himself in a more favourable light. The regulatory process exists to protect people and animals, and uphold public confidence in the profession. The Committee considered that this behaviour was serious and fell sufficiently below the standards expected of the Respondent in terms of honesty and integrity so that it constituted disgraceful conduct in a professional respect.

25. With respect to Charge 3 (i), the Committee considered the WhatsApp messages in question and found that they were coercive in nature, repeated and aggressive. They were grossly offensive in the Committee's view and calculated to effectively bend MH to the Respondent's will. The Committee considered that they fell far below the standards expected of the Respondent as a registered professional in terms of behaviour expected, and constituted disgraceful conduct in a professional respect.
26. With respect to Charge 3(ii), the messages sent to MH were threatening and calculated to have an adverse impact on her perception of her physical safety at the hands of the Respondent. That they followed the assault against MH which the Respondent had been convicted of earlier in 2022 made the messages more egregious. The Committee considered that they fell far below the standards expected of the Respondent as a registered professional in terms of behaviour expected, and constituted disgraceful conduct in a professional respect.

### **The Committee's Decision on Sanction**

27. The Respondent gave evidence at this stage of proceedings. He confirmed that he had completed all his Community Order requirements by 27 January 2024 and paid all financial penalties. He confirmed several times that he had not drunk alcohol since the assault, and relied on alcohol testing results to this effect which he had submitted in his bundle. He told the Committee that he had voluntarily attended an anger management course as well as therapy, and had submitted documentary evidence to this effect.
28. He told the Committee that he would still consider that he was dating MH between July and December 2022, however with regard to the WhatsApp messages he told the Committee that he considered them to be "frankly disgusting". He told the Committee that he had continued to work hard at his practice, and in October 2023 had completed a postgraduate certificate in small animal surgery, and since then had an increased surgical case-load which he "relished". He confirmed that if he was unable to practise this would have a significant impact upon him as he had recently bought a house, had a mortgage, and going to work every day was a regular aspect in his life which had "kept me going". He stated that having reflected and talked to other vets and peers, he could not be more embarrassed about his actions. He stated that he originally did not understand the significance of sending the character references but now realised that his dishonesty constituted one of the worst things he could do as it threw doubt on every decision he made as a professional. He stated that he saw the error of his ways and was ashamed and remorseful.

29. Two character witnesses were called on the Respondent's behalf:

- (i) CRK, Clinical Director of the Respondent's employer, who had written a testimonial, and who attested to his professionalism, clinical abilities and the Respondent's appreciation of what he had done wrong.
- (ii) SV, a colleague at the Respondent's place of work and current co-habiting partner, who had written testimonials, and who amongst other matters attested to the Respondent's clinical skills, and good personal qualities.

30. Ms Curtis informed the Committee that there were no previous findings of the Disciplinary Committee against the Respondent, and made no submissions in respect of sanction.

31. The Respondent also relied on a bundle of documents which included evidence of training, CPD and other testimonials. Mr Ward submitted that the Respondent should not be punished twice for the same offence, and it was to his credit that he had ceased drinking alcohol and undertaken an anger management course. Mr Ward submitted that it could not be in the public interest to prevent the Respondent from practising as a vet and submitted that a reprimand would be sufficient to "ram home" the Respondent's "idiocy and dishonesty" and that this will stay with him for the rest of his working life; if he comes back before the Disciplinary Committee, these findings will be taken into account.

32. The Committee took into account the Sanctions Guidance 2020, and accepted the advice of the Legal Assessor, who referred to the general principles governing the imposition of sanctions.

33. The Committee had in mind that the decision whether to impose a sanction is a matter for its own independent judgment. The primary purpose of the available sanctions is not to punish but: (i) to protect the welfare of animals, and the public (ii) to maintain public confidence in the profession and (iii) to declare and uphold proper standards of conduct. The Committee was aware that any sanction imposed must be proportionate to the nature and extent of the conduct and to the maintenance of appropriate standards expected of members of the veterinary profession. It must weigh the seriousness of the behaviour concerned and the need to protect animals (though the Committee was mindful that this was not a case involving clinical concerns), the public and the public interest with and against the interests of the Respondent. No greater sanction should be imposed than is absolutely necessary. The Committee considered the available sanctions in reverse order of seriousness.



34. The Committee took into account the following aggravating factors:

- i. premeditated conduct, in that the Respondent followed MH out of the pub and pursued her;
- ii. there was an increased position of trust between partners and co-habitants, and MH was entitled to be able to trust the Respondent;
- iii. conduct exacerbated by alcohol consumption;
- iv. a course of coercive, intimidating, and abusive behaviour over a significant period as set out in Charges 2-4, despite his abstention from alcohol at that time and the prior completion of an anger management course and therapy;
- v. a blatant and wilful disregard of the role of the RCVS and the systems that regulate the veterinary profession in that the actions in Charges 2, 4, and 5 were intended to subvert that process and were dishonest towards the RCVS;
- vi. the Respondent's dishonesty towards his regulator was for personal gain in order to present himself in a more favourable light before his regulator;
- vii. inadequate insight demonstrated.

35. The Committee took into account the following mitigating factors:

- i. full admissions made at the commencement of the hearing;
- ii. remorse expressed to the Committee;
- iii. previous good character;
- iv. significant lapse of time since the conviction in Charge 1;
- v. subsequent efforts to avoid repetition of the behaviour which led to the conviction;
- vi. financial impact upon the Respondent if he was prevented from being able to practise;

vii. testimonials.

36. The Committee considered that the matters found proved were serious. Further, the dishonesty was towards the higher end of the spectrum of seriousness, in that it was designed, for personal gain, to subvert the regulatory process which exists to protect the public and animals, and uphold proper standards and public confidence in the profession.
37. While the Respondent has taken steps to address the behaviour which led to the conviction, such as refraining from drinking alcohol, anger management and therapy, his coercive, abusive and intimidating behaviour continued towards MH in the form of messages and his insistence on submitting two character references in her name when she did not consent. The Committee carefully considered the Respondent's evidence, and found that his insight into this aspect was superficial in terms of the implications of his actions for MH, and the public confidence in the profession. Further, when considering his evidence that he had not originally appreciated the seriousness of submitting the character references dishonestly, this caused the Committee concern regarding the Respondent's moral code. In the Committee's view, it should have been obvious to any professional person that acting dishonestly towards their regulator was a serious matter and such an attitude could not be explained by youth or inexperience. Whilst he had expressed his remorse to the Committee, the messages sent to MH did not appear to manifest any regret for his behaviour towards her, and the Committee has seen no evidence of any steps by him to remediate that. In light of the limited insight, and absence of any real remedial steps taken, the Committee decided that there was a real risk of repetition of the behaviour in Charges 2-5.
38. The Committee first considered whether to take no further action, but decided that this would not be appropriate as it would not address the risk of repetition or uphold public confidence in the profession. Further, the Committee considered that the findings were too serious for this outcome to be proportionate.
39. The Committee considered a postponement of judgment with undertakings. It would be impracticable to formulate undertakings capable of effectively addressing the issues. In any event, postponement of judgment with undertakings would not be appropriate, in the Committee's view, as a result of the limited insight shown by the Respondent, the real risk of repetition of the conduct in question, and the need to maintain public confidence in the profession and the wider public interest.

40. The Committee went on to consider the sanction of a Reprimand or Warning as to future conduct. The disgraceful conduct was not at the lower end of the spectrum of gravity. There was a pattern of sustained and persistent misconduct. There is a real risk to the wider public interest that requires registration to be restricted. Further, there is limited evidence of insight, and remediation of the disgraceful conduct. In such circumstances, the Committee decided that such a sanction would be neither appropriate nor proportionate.
41. The Committee next went on to consider a Suspension from the Register. The Committee once again took into account the limited nature of the insight and remediation in relation to the disgraceful conduct, and the real risk of repetition. For all these reasons, the Committee decided that in the circumstances of this case, suspension from the RCVS Register would not be appropriate or proportionate in protecting the wider public interest.
42. The Committee carefully considered the sanction of removal from the RCVS Register. There is a real risk of repetition of his behaviour which was a serious departure from standards set out in the Code. The submission of the falsified character references from MH was a deliberate and dishonest disregard of the integrity of the RCVS and Disciplinary Committee's regulatory process, and such reference was intended to be put before the latter in a final hearing. The dishonesty was repeated and was concealed until it was revealed by MH's intervention by alerting the RCVS. The dishonesty in question struck at the heart of the profession's requirement for honesty and integrity. The Committee considered that the Respondent's actions, in his dishonesty in respect of the character references, taken together with his violent behaviour and coercive and bullying approach to MH, demonstrated a deep-seated attitudinal problem which had not been addressed by his abstention from alcohol, the anger management course or the therapy which he had undertaken.
43. In light of the above, the Committee's view was that the demands of the public interest in this case were high, and in light of all of the circumstances, removal from the register was the only means of upholding the wider public interest, which includes the need to uphold proper standards of conduct and performance, and to maintain confidence in the profession and its regulation.
44. The Committee therefore decided to direct that the Respondent should be removed from the Register. In coming to this decision, the Committee carefully applied the principle of proportionality and took into account the impact of such a sanction on the Respondent's ability to practise his profession, as well as the financial impact upon him, taking into

account his evidence in this regard. However, the Committee determined that the need to uphold the wider public interest outweighed the Respondent's interests in this respect. In light of the gravity of the conduct, and all of the factors taken into account, 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.

45. The Committee therefore directs the Registrar to remove Matthew John Makepeace from the RCVS Register.

**Disciplinary Committee**  
**17 April 2024**