

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**GEORGE MARTIN**

---

**DECISION ON RESTORATION APPLICATION**

---

1. The Applicant applies to be restored to the Register of the Royal College of Veterinary Surgeons ("the College"), following his removal pursuant to a direction of the Disciplinary Committee.
2. The Applicant was present and represented by Mr Thomas QC at the hearing before the Committee. The College was represented by Ms Nicole Curtis of Counsel.

**Background**

3. On the 17 and 18 May 2017, the applicant appeared before the Disciplinary Committee in relation to an allegation that he was unfit to practise by virtue of his convictions in the Edinburgh Sherriff Court on 17 August 2016. Those convictions followed a guilty plea in relation to:
  - Breach of the Peace (sexual) between 17 August 2014 and 23 March 2015 at Edinburgh University Main Library George Square, Edinburgh; and
  - Breach of the Peace (sexual) between 17 August 2014 and 23 March 2015 at Royal Mile, Princes Street and Waverley Steps, Edinburgh;
4. On 27 September 2016, the applicant was sentenced to a Community Pay-Back Order, comprising a supervision period of 12 months and unpaid work/activities requirement of 160 hours, to be completed within six months. His name was added to the Sex Offenders' Register pursuant to the Sexual Offences Act 2003.

5. The underlying facts of the first conviction concerned the applicant deliberately placing video camera recording equipment covertly in toilet cubicles in lavatories at Edinburgh University Main Library. The equipment recorded images of members of the public, including their underwear and genitalia, without their knowledge or consent. These recordings were uploaded to video files on the applicant's computer. In relation to the second conviction, when out and about in Edinburgh, the applicant placed his mobile telephone surreptitiously under women's clothing without their knowledge or consent and recorded images.
6. The offending was only discovered when an off duty police officer observed the applicant using his mobile telephone to try to film under the skirt of a woman in front of him on an escalator in a public location. The officer challenged him and uniformed officers then attended and arrested the applicant. A police forensic examination of the applicant's computer revealed multiple images of members of the public, including their underwear and genitalia, which had been taken using the cameras he had set up in public toilet cubicles and from cameras placed under women's clothing to film under their skirts.
7. The Committee found that the conviction rendered the applicant unfit to practise veterinary surgery. In its decision on unfitness to practise, the Committee noted the following aggravating features (paragraph 7):
  - there was a potential for injury to the mental health to the people who were photographed and made the subject of video files, although in fact they knew nothing about it;
  - the applicant was reckless as to whom the victims in the toilet cubicles would be and as to the impact of his behaviour on the victims.
  - his conduct was premeditated: he had set up the cameras in the toilet cubicles in advance, and he had gone about Edinburgh searching for victims he could photograph or video in the indecent way alleged. He therefore adopted two methods of recording indecent material;
  - his conduct was repeated many times, both in the toilet cubicles and when out and about in Edinburgh;
  - the case involved sexual misconduct, and was of such a serious nature that the applicant was placed on the Sex Offenders' Register for one year.
8. The Committee concluded as follows:

*"The Committee ... has reached the conclusion that the conviction renders the Respondent unfit to practise veterinary surgery on public interest grounds, in particular to protect the reputation of the profession and uphold and maintain standards within the profession."*

9. In its decision on sanction, the Committee noted the aggravating factors listed above. It referred to the conviction as being of “*the utmost seriousness*”. Its decision also stated:

*“The Committee reached the conclusion that the Respondent’s behaviour was so serious that removal of professional status and the rights and privileges accorded to that status is the only means of protecting the wider public interest. It has not taken this decision lightly, and, less it to be misinterpreted, it has not taken it in order to satisfy any notional public demand for blame and punishment. It has taken the decision because in its perception, the reputation of the profession has to be at the forefront of its thinking, and ultimately it was more important than the interests of the Respondent. The decision is not simply based on the fact that these offences were of a sexual nature, but because they were repeated frequently over a significant period of time and at the time the Respondent knew on his own admission that what he was doing was wrong.”*

10. At the outset of the hearing the College outlined the background to the matter. Ms Curtis told the Committee that the College took a neutral approach to the application.
11. The Committee heard oral evidence from Mr Martin and from 4 character referees who know Mr Martin in a professional and/or personal capacity. Mr Thomas QC submitted that it was appropriate for the Applicant to be restored to the register.
12. In coming to its decision the Committee took into account all the evidence both oral and documentary. It also had regard to the RCVS Guidance. The Committee accepted the advice of the Legal Assessor.
13. The Committee took into account the Applicant’s oral evidence. It is clear that he has demonstrated genuine remorse and insight. He was able to articulate the negative impact that his criminal behaviour had inflicted on those veterinary surgeons who trained him and on the veterinary profession. To his credit the Applicant resigned from his position as a veterinary surgeon when he knew he was to be charged with the offences. This demonstrates a responsible attitude on his part in seeking to protect the reputation of the profession. It was also clear from his own evidence that he now has a full understanding of the triggers and stressors that caused him to act in that way. The Committee was reassured by the Applicant’s attendance and engagement with counselling with Relate counselling service, completion of an online course understanding violence against women, myths and realities; run by the University of Strathclyde and the RCVS Mind Matters Course. In the intervening period of time from when he was removed from the register he has made significant efforts to keep himself up to date with CPD courses, observing in veterinary practices and volunteering. In the Committee’s view he has done as much as he possibly could to keep his veterinary skills up to date since he was removed from the register 21 months ago. This is not a case that concerns animal welfare issues and he was invariably described as a kind and caring veterinary surgeon.

14. The Committee's main concerns in this case related to the seriousness of the offences for which he was convicted and the public interest in allowing the Applicant to be restored to the register.

The Committee also had regard to the oral evidence of Ms Coombs a Veterinary Surgeon, who is prepared to offer him a job in her surgery if he were restored to the register. She along with the other character testimonials are aware of the details of the Applicant's convictions. All the witnesses confirm that his criminal behaviour was out of character from the individual that they know. As Ms Coombs said "He did something in his past that he will have to live with forever". Ms Forrest another witness stated that "he is clearly ashamed and deeply remorseful of his earlier conduct".

15. The Committee had to consider whether that criminal behaviour is so abhorrent that it was fundamentally incompatible with restoration to the register. The Committee had no doubt that the behaviour is abhorrent and it was a gross violation of those victim's rights. However, the Committee took into account the very particular circumstances of this case that existed at the time which triggered such a psychological reaction, were exceptional. It is also confident having regard to all the evidence, that the Applicant is self-aware, can identify stress triggers and he is surrounded by a supportive professional and social network that the likelihood of repetition is remote.

#### Conclusion

16. After carefully considering all the evidence the Committee concluded that the Applicant has satisfied it that he is fit to be restored to the register of Veterinary Surgeons.
17. In light of the foregoing, the Committee allows the Applicant's application and directs the Registrar to restore him to the register.

**Disciplinary Committee**

**28 February 2019**