

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

LIBBY MORRIS RVN

DECISION ON DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT

Summary of College's Submissions

1. The College submitted that the Respondent had directly breached two of the most fundamental tenets of the profession: the promotion of animal welfare and honesty. It is also submitted that in so doing, she breached the trust of her employer, and undermined the reputation of the profession.
2. By leaving Rocky alone for a period of time, whilst misleading a veterinary surgeon into believing the Respondent was present at the practice, she risked harm to Rocky when he was at his most vulnerable, during post-operative recovery. Dr Johnson thought the Respondent would be at the practice except for a period between 14:00 and 16:00; and he arranged to come in to see Rocky when the Respondent would not be there. In fact she was not there for a much longer period, from around 12:15 to 16:00. Had Dr Johnson known the true position, he could have arranged to go into the practice earlier, before Rocky had deteriorated to the extent he had by 14:30.
3. In addition, the Respondent risked Rocky's welfare by misleading Mr Johnson about the timings of the observations she had taken. As a result of her conduct, the veterinary surgeon charged with Rocky's care was led to believe that Rocky was doing reasonably well at 13:40, when in fact Rocky had neither been seen nor monitored for quite some time. Similarly, when Dr Johnson attended the practice at 14:30, the hospitalisation records misled him with regards to Rocky's recent condition. He believed that Rocky had been stable at 14:00, and he failed to understand why Rocky had deteriorated so quickly. Had he been aware of the true picture, this may have affected his treatment plan or approach to Rocky's care.
4. The College also invited the Committee to find that the dishonest conduct in this case related directly to the Respondent's professional life, as she lied to her colleague regarding her attendance at work and the timings of observations for a post-operative

patient. In addition, she abused the trust placed in her by her employer, to attend the practice as required in terms of patient care.

5. The College submits that members of the public would be appalled to learn that a registered veterinary nurse had left a post-operative patient alone in these circumstances, and that she had lied to the treating veterinary surgeon and in the clinical records about the observations she had taken for that patient. The reputation of the profession would be undermined, as would public confidence in the profession.
6. The College submits that relevant aggravating factors include:
 - i) Risk of injury to an animal
 - ii) Dishonesty, lack of probity or integrity
 - iii) Recklessness (with regards to Rocky's welfare)
 - iv) Premeditated misconduct (with regards to covering her tracks by entering false records)
 - v) Breach of ... client trust (Rocky's owners were entitled to expect that the Respondent would perform her professional duties and responsibilities in their dog's best interests)
 - vi) Any relevant increased position of trust or responsibility (the Respondent held the on-call position that day).
7. The College asked the Committee to consider the conduct cumulatively only when deciding on disgraceful conduct in this case.

Summary of the Respondent's submissions

8. The Respondent also asked the Committee to consider the conduct cumulatively; accepting that the matters found proved amounted to disgraceful conduct in a professional respect.
9. The Respondent submitted that relevant mitigating factors at this stage were:
 - i) There was no financial gain to the Respondent from this incident
 - ii) That this was a single isolated incident
 - iii) Although there was a risk of harm to Rocky, actual harm had not materialised due to the Respondent's actions
 - iv) This was a decision taken without the opportunity for full reflection.

The Committee's Decision on Disgraceful Conduct in a Professional Respect

10. The Committee notes that the test for considering whether behaviour amounts to disgraceful conduct in a professional respect is whether the conduct of the veterinary nurse falls far short of that which is expected of a member of the veterinary nursing profession. In the Committee's judgement the matters found proved, which included dishonesty, cumulatively amounted to disgraceful conduct in a professional respect.
11. The Committee took into account the Disciplinary Committee's Procedure Guidance (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”

The Committee considered that the Respondent’s dishonesty took place in the course of her professional duties at work both in relation to 1(b) and 1(c).

12. It noted that the dishonesty was deliberate and that although it took place on one day, the Committee found that the Respondent had been dishonest in respect of two particulars of charge 1: (b) and (c):

(b) made entries in the clinical records for Rocky indicating that you had made those entries at 14:00 or thereabouts when you had not done so; and/or

(c) at 13:41, sent a message to veterinary surgeon AJ which gave the impression that you were describing Rocky’s contemporaneous condition and circumstances, when in fact you had not seen Rocky since some time before 12:15;

It found that the Respondent had been dishonest about the records and gave the impression to Dr Johnson that Rocky was stable by telling him a pain score for Rocky and how Rocky was ‘good’ when the Respondent had not examined him since before 12:15/12:30.

13. The Committee decided that the following aggravating factors were relevant at this stage:

- i) Risk of injury to an animal – leaving Rocky unattended for approximately two hours whilst recovering from a serious emergency surgical procedure – Gastric Dilatation and Volvulus (GDV).
- ii) Dishonesty
- iii) Recklessness regarding Rocky’s welfare
- iv) Pre-meditated misconduct - the Committee found that the Respondent had written a time on clinical records which was later than when she had written it so that it would not be noticed that she had left the practice early
- v) Breach of client trust
- vi) Any relevant increased position of trust or responsibility - the Respondent held the on-call position that day and when alone at the practice had sole responsibility for Rocky unless and until she asked for assistance from the veterinary surgeon.

14. The Committee decided that the following mitigating factors were relevant at this stage:

- i) That this was a single isolated incident in respect of one animal but a series of events amounting to misconduct on one day
- ii) Although there was a risk of harm to Rocky, there was no evidence of actual harm due to the Respondent’s actions or that the Respondent’s actions had

caused the death of Rocky. However, the veterinary surgeon was misled by the Respondent as to who was looking after Rocky until he returned.

15. Although the Committee accepted that the Respondent's behaviour was not motivated by any financial gain, it did not find this mitigated the misconduct as it was irrelevant to the facts found proved.
16. The Committee did consider that the Respondent had decided to commit misconduct with some element of pre-meditation by writing in the times of 14:00 before leaving, to cover her tracks. The Committee therefore did not find that this was misconduct committed without the opportunity for full reflection.
17. In considering the matter, the Committee considered whether the misconduct found proved would undermine public confidence in the veterinary nursing profession as a whole. It decided that
 - leaving Rocky unattended in recovery after a serious emergency surgical procedure for approximately two hours
 - misleading the veterinary surgeon about who was looking after Rocky
 - and being dishonest both in the clinical records and when giving the impression to the veterinary surgeon that she was present in the practice when she was not;

was misconduct which would rightly be considered by members of the public to bring the profession into disrepute and was misconduct which would undermine public confidence in the nursing profession.

18. The Committee referred to the Code of Conduct for Veterinary Nurses. In particular it noted that the following parts of the Code were breached by the Respondent's conduct:

"1.1 Veterinary nurses must make animal health and welfare their first consideration when attending to animals."

"1.6 Veterinary nurses must communicate with veterinary surgeons and each other to ensure the Health and Welfare of the animal or group of animals."

"2.5 Veterinary nurses must keep clear, accurate and detailed clinical nursing and client records."

"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."

19. Taking all of the above matters into account in the Committee's judgement the conduct found proved amounted to disgraceful conduct in a professional respect.

Disciplinary Committee
30 March 2023