

ROYAL COLLEGE OF VETERINARY SURGEONS

- v -

ANNE MARY MULLEN MRCVS

**DECISION OF THE DISCIPLINARY COMMITTEE
ON SANCTION**

1. The Committee has decided that the Respondent's conduct in relation to the Charges found proved, taken in combination, amount to disgraceful conduct in a professional respect.
2. It is now for the Committee to decide what, if any, sanction should be imposed on the Respondent in respect of those breaches.
3. The Legal Assessor has advised the Committee that it should have in mind that the primary purpose of a sanction is not to punish, but to protect the welfare of animals, maintain public confidence in the profession and declare and uphold proper standards of conduct. The sanction, if any, which the Committee applies must be proportionate to the nature and extent of the conduct, and the Committee must weigh the public interest with the interests of the Respondent.
4. The Committee should first consider whether it wishes to take no further action. If it decides not to do so, the options are to:
 - Postpone its judgement for a period of up to two years
 - Reprimand and/or warn the Respondent as to her future conduct
 - Direct that the Respondent's registration be suspended for a specified period
 - Direct the Registrar to remove the Respondent's name from the register.
5. The Legal Assessor advised the Committee that it should consider the sanctions in that order, and it is only if the Committee determines that it is not sufficient to protect the welfare of animals and serve the public interest to impose a sanction at a lower level that it should go on to consider the next level in order of severity.
6. The Committee has had regard to the aggravating and mitigating factors set out in the Disciplinary Committee Sanctions Guidance for Veterinary Surgeons. The Committee, in its Decision on Disgraceful Conduct, set out a number of aggravating factors which it considered were relevant to this case. These factors are relevant to the question of sanction. The Committee considers that "no, or inadequate, insight into the disgraceful

conduct” should be added to this list. The Committee was unable to find any mitigating factors.

7. Animal welfare lies at the heart of the veterinary profession. The Committee considers that the Respondent’s treatment of Cleo and Boycie constitutes a breach of this fundamental tenet of the profession. Other serious findings of disgraceful conduct against the Respondent are her failure to provide informed consent, failure to provide details about out of hours’ cover, failure to have in place Professional Indemnity Insurance (PII), Continued Professional Development (CPD), and failure to respond to the College’s request for information.
8. The Respondent appeared before the Disciplinary Committee in 2017 for failing to have in place suitable PII or equivalent arrangements, and was suspended for two months. At the hearing in April 2017, the Respondent indicated that she understood the need to remedy her previous breaches of the Code of Professional Conduct for Veterinary Surgeons and Supporting Guidance (the Code). She was warned that if she should fail to put in place the requisite PII or equivalent arrangements, it was likely that further disciplinary action would be taken by the College against her registration. It appears to the Committee that the Respondent ignored the advice given to her at the time of the previous hearing, and took no steps to ensure that she complied with her PII obligations.
9. In the view of the Committee, the finding of disgraceful conduct in a professional respect in this case is extremely serious.
10. The Committee considered the possible sanctions in order of severity. The Committee considers that it would be wholly inappropriate to take no further action. There would be nothing gained in postponing judgment and there would continue to be risks to animal welfare and this would not protect the public interest. The Committee then considered that in this case a reprimand or warning would be wholly inappropriate, because of the extremely serious nature of the disgraceful conduct.
11. The Committee next considered suspension. The Sanctions Guidance provides that suspension may be appropriate where the misconduct is sufficiently serious to warrant more than a reprimand but not sufficiently serious to justify removal from the register. Suspension has a deterrent effect and can be used to send a signal to the veterinary surgeon, the profession and the public about what is regarded as disgraceful conduct in a professional respect.
12. Suspension may be appropriate where some or all of the following apply:
 - a) The misconduct is serious, but a lesser sanction is inappropriate and the conduct in question falls far short of being fundamentally incompatible with remaining on the register;
 - b) The respondent veterinary surgeon has insight into the seriousness of the misconduct and there is no significant risk of repeat behaviour;

- c) The respondent veterinary surgeon is fit to return to practice (after the period of suspension).
13. The Committee considers that suspension would be inappropriate in this case. In the view of the Committee the Respondent has displayed no discernible insight into the seriousness of her misconduct, and the Committee considers that, if she returned to practise, there would be a significant risk of repeat behaviour. The Committee considers that the Respondent would not be fit to return to practise after any period of suspension.
14. The Sanctions Guidance states that removal from the register may be directed where the respondent veterinary surgeon's behaviour is so serious that removal of professional status (and the rights and privileges accorded to this status) is the only means of protecting animals and the wider public interest. It is not imposed as a punitive measure, although it will almost invariably have an adverse effect on the respondent veterinary surgeon.
15. The Guidance states that removal from the register may be appropriate where behaviour is fundamentally incompatible with being a veterinary surgeon, and may involve any of the following, which the Committee considers apply in this case:
- Serious departure from professional standards as set out in the Code
 - Deliberate or reckless disregard for the professional standards as set out in the Code
 - Causing serious harm (or causing a risk of serious harm) to animals
 - Evidence of a harmful attitude problem.
16. The Committee considers that the Respondent has displayed a persistent lack of insight into the seriousness of her actions or their consequences. The Committee considers that the Respondent's conduct raises serious clinical concerns, shows disregard of obligations in relation to out of hours' care, indicates deficiencies in making decisions, demonstrates an obstructive attitude to her regulator and creates a potential risk to patients. She has not engaged with the regulator, she has not demonstrated insight into her misconduct, has learned nothing from her previous suspension in relation to PII, and has done nothing to remediate her disgraceful conduct. There is no evidence that the Respondent has complied with any of her obligations in relation to CPD.
17. In the view of the Committee, if the Respondent were permitted to remain on the register, there would be a serious risk of harm to animals. She has demonstrated a reckless disregard for the obligations of a registered veterinary surgeon.
18. The Committee considers that the Respondent's conduct is so serious that removal of professional status is the only means of protecting animals and in the wider public interest. The Committee considers that her disgraceful conduct is fundamentally incompatible with registration as a veterinary surgeon.
19. Accordingly, the Committee directs the Registrar to remove the Respondent's name from the register.

Disciplinary Committee
7 February 2022