

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

DR JOANNA WICKSTEED MRCVS

DECISION ON FACTS

Background

1. Dr Joanna Wicksteed is registered in the RCVS Register of veterinary surgeons. She currently practises as a locum veterinary surgeon at Hook Norton Veterinary Group.
2. On 26 May 2021, she was convicted, following a trial in the Crown Court at Oxford, of theft and two counts of fraud. This conviction formed the basis of charge 1.
3. Further, on 16 October 2015 Dr Wicksteed was made subject to an Adult Restorative Disposal (the 2015 ARD) in relation to an alleged theft from Tesco Extra Stores. Notwithstanding that she admitted the Adult Restorative Disposal, Dr Wicksteed denied that she stole items from Tesco Extra Stores, that being the basis of the 2015 ARD. This matter was the subject of charge 2.
4. Further on 9 March 2018, Dr Wicksteed accepted a police formal caution (the 2018 caution) in relation to an alleged theft from Debenhams which occurred on 4 January 2018. Notwithstanding that Dr Wicksteed admitted that she accepted the 2018 caution, she denied that she stole items from Debenhams, that being the basis of the 2018 caution. This matter was the subject of charge 3.
5. The College further alleged that Dr Wicksteed failed to inform it in declarations on 6 separate occasions between 18 April 2016 and 14 April 2021 that she was made subject to the 2015 ARD, and on 4 separate occasions between 25 March 2018 and 14 April 2021 that she accepted the 2018 caution. Dr Wicksteed initially admitted the alleged failure to declare the ARD, but the Committee permitted a change of plea in relation to this aspect of charge 4 to enable it to consider whether she was in fact under a duty to declare the 2015 ARD to the College. Dr Wicksteed denied that she had failed to declare the 2018 caution to the Royal College as alleged above, contending that she had in fact done so in April 2018, and that

having once done so, she was no longer under an obligation to declare the 2018 caution in subsequent declarations.

6. In relation to the alleged failures to declare the 2015 ARD and the 2018 caution, the College alleged that Dr Wicksteed was dishonest, that her conduct was misleading and that she failed to take adequate steps to inform the College of the 2015 ARD and the 2018 Caution. Dr Wicksteed denied these charges which were particularised in charge 5.
7. The Committee noted Dr Wicksteed's evidence that during the period in question when it is alleged that she behaved as set out in the charges, she was suffering from a number of health conditions. In support of that evidence, she presented the Committee with a set of medical notes which she obtained from her GP. However, she did not produce any psychiatric evidence, nor any medical evidence which, at the material time, purported to explain her behaviour.
8. The Committee also received in evidence a bundle of references and testimonials which were in support of Dr Wicksteed. These were written by friends and former colleagues and demonstrated that she was held in high regard by them. The Committee took them into account when considering the charges.

Admissions

9. Dr Wicksteed admitted charge 1 which read as follows:

On 26 May 2021, in the Crown Court at Oxford, were convicted, following a trial of the following offences:

- (i) theft;
- (ii) fraud;
- (iii) fraud

for which you were sentenced to a two year community order, to include 150 hours of unpaid work in the community, and you were ordered to pay prosecution costs of £2800, to pay £177.07 to Barclays Bank and to pay £85 as a victim surcharge.

Accordingly the Committee found charge 1 proved.

10. Although Dr Wicksteed admitted the 2015 ARD (the subject of charge 2) and the 2018 caution (the subject of charge 3), as she did not admit that she had stolen from Tesco Extra Stores and Debenhams, which alleged thefts led to the 2015 ARD and the 2018 caution respectively, the Committee recorded that she did not admit charges 2 and 3.
11. As mentioned, Dr Wicksteed denied charges 4 and 5.

Decision on Facts

12. In coming to its decision on facts, the Committee had regard to all the evidence both oral and documentary. It was reminded that it is for the College to prove its case and there is no

burden on Dr Wicksteed to prove or disprove anything. The standard of proof applied when considering whether the charges are found proved is that the Committee must be sure.

13. The Committee took into account the submissions made by both parties and it accepted the advice of the Legal Assessor.
14. In respect of the College's case, the Committee heard oral evidence from Mr Robert Andrew Girling who had prepared two written statements dated 1 June 2022 and 14 March 2023. It also received written statements from Ms Nicola South dated 10 February 2022 and from Mr Avnish Ghoorbin dated 24 February 2022. Dr Wicksteed did not challenge the evidence of Ms Nicola South and Mr Avnish Ghoorbin.
15. On her own behalf, Dr Wicksteed submitted a written statement dated 25 April 2023 and gave oral evidence.

Charge 2

16. In considering this charge, the Committee noted that the College relied on the police log of the incident dated 16 October 2015 which included the following details:

Suspect was seen to have items concealed in a bag for life in her trolley. She paid for some shopping and appeared to do an exchange for nappies but cctv footage shows that she exchanged one packet but failed to pay for another. Total value of theft is £37.10. Suspect has admitted stealing the goods which have all been recovered. Staff at Tesco have suggested that they would be in support of an ARD disposal. In light of this female not being known to the Police and due to her having a 3 yr old child with her, I have arranged for her to attend Banbury Police Station at 1400 hours on Friday 23 October 2015 to complete the ARD process.

Suspect accepts responsibility for the offence and agrees to take part in the proposed community disposal

- *Write a letter of apology to the store manager at Tesco*
- *Comply with 3 month ban*
- *Declaration read and signed by suspect.*

17. The Committee recognised that the police log of the incident was hearsay, but it was advised by the Legal Assessor that it could take account of hearsay evidence which was properly admitted. The Committee also noted that the College did not in fact produce in evidence the 2015 ARD declaration. However, Dr Wicksteed did accept in evidence that she signed the declaration.
18. In addition, the Committee noted that at the Oxford Crown Court, in the proceedings which led to the conviction the subject of charge 1, Counsel for the Prosecution stated as follows:

The final part of the prosecution case, your Honour, is being dealt with by way of agreed facts which have been handed out, so each juror should have a copy; it's two pages and I hope your Honour has a copy as well.

And finally number 6, on 16 October 2015 in Tesco Extra Banbury, she was seen concealing a number of items in a bag for life in her trolley. She failed to pay for items to the value of £37.10. She admitted stealing these items and signed a declaration accepting responsibility and then if you will, members of the jury, imagine that my learned friend and I have signed at the bottom to say that we agree with it and were assigned a court copy.

19. The Committee considered that those agreed facts constituted an admission on the part of Dr Wicksteed that she had stolen a number of items from Tesco Extra Store on 16 October 2015.
20. In her evidence, Dr Wicksteed acknowledged that she had received an ARD and that in fact she had items in her possession in her bag for which she had not paid. However, she maintained that she was unaware of the fact that she had the items in her bag, and assumed that they had been dropped there by her daughter who, at the time, was sitting in the trolley and grabbing lots of (other) vitamin bottles off the shelf. Dr Wicksteed said she had found this very stressful. [REDACTED]
[REDACTED] She did not offer an explanation for the presence of nappies in her bag for which she had allegedly not paid, other than to say that the exchange of nappies had taken place at the outset of that Tesco Extra Store shopping expedition. She did not produce any receipt or other evidence to substantiate that exchange.
21. The Committee noted that Dr Wicksteed had between 16 October and 23 October 2015 to complete the 2015 ARD.
22. The Committee further noted that Dr Wicksteed appeared to resile from the admissions which she gave through her Counsel in respect of the 2015 ARD when she gave her evidence in the Crown Court at Oxford in May 2021. However, she had given those admissions.
23. The Committee recognised that in October 2015, Dr Wicksteed was of good character in the sense that she had no adverse findings of dishonesty against her name before she signed the ARD, and there was no suggestion that she had a propensity to commit acts of dishonesty at that time.
24. Notwithstanding that the College relies, in part, on hearsay evidence and that the 2015 ARD document was not adduced in evidence, the Committee preferred the evidence of the College which included the formal admission made in the Oxford Crown Court to which Defence counsel for Dr Wicksteed agreed. The Committee did not accept the account given by Dr Wicksteed in her oral and written evidence, bearing in mind those admissions and that she, a professional person, acceded to an ARD disposal in the context of an allegation of theft. The Committee found charge 2 proved beyond reasonable doubt.

Charge 3

25. In considering this charge, the Committee noted that the College relied on the police log of the incident dated 4 January 2018 which included the following details:

FEMALE HAD 2 PAIRS OF JEANS ON TOP OF HER PUSHCHAIR, SHE HAS THEN GONE INTO THE LIFT AND CONCEALED THEM INTO THE BOTTOM OF HER PUSHCHAIR. SHE HAS BEEN WATCHED GOING ROUND THE STORE WHERE SHE HAS SELECTED A KETTLE AND A SELECTION OF FOOD BAG CLIPS AND CONCEALED THEM IN A CARRIER BAG THAT WAS ON THE BACK OF THE PUSHCHAIR. SHE THEN GOES TO A TILL POINT TO ASK FOR A REFUND ON SOME OTHER ITEMS AND MAKES NO ATTEMPT TO GET THE OTHER ITEMS OUT OR PAY FOR THEM. FEMALE HAS THEN LEFT THE STORE VIA THE MALL ENTRANCE MAKING NO ATTEMPT TO PAY FOR THE GOODS IN THE PUSHCHAIR, SHE HAS THEN BEEN STOPPED BY RB AND SECURITY FROM CASTLE QUAY AND BROUGHT BACK TO THE HOLDING ROOM.

VALUE £187 FROM DEBENHAMS

09/02/2018 12.33 suspect attended Banbury police station and has signed the simple caution.

26. The Committee also noted the admission recorded in the police log to the alleged theft of items from Debenhams. The Committee recognised that the police log of the incident was hearsay, but, as mentioned, it was advised by the Legal Assessor that it could take account of hearsay evidence which was properly admitted. The Committee also noted that the College did not in fact produce in evidence the 2018 caution.
27. In addition the Committee noted that at the Oxford Crown Court, in the proceedings which led to the conviction the subject of charge 1, Counsel for the Prosecution stated as follows:

The final part of the prosecution case, your Honour, is being dealt with by way of agreed facts which have been handed out, so each juror should have a copy; it's two pages and I hope your Honour has a copy as well.

Number 5, on 9 March 2018 at Banbury Police Station she, that is Miss Wicksteed, was issued with a simple caution for shoplifting items, including jeans, a kettle and food bag clips to the value of £167 from Debenhams in Banbury on 4 January 2018. She signed the caution fully admitting the offence, having previously fully admitted the offence at interview on 4 March 2018.

... and then if you will, members of the jury, imagine that my learned friend and I have signed at the bottom to say that we agree with it and were assigned a court copy.

28. The Committee considered that those agreed facts constituted an admission on the part of Dr Wicksteed that she had stolen a number of items from Debenhams on 4 January 2018.
29. The Committee further noted that Dr Wicksteed appeared to resile from the admissions which she gave through her Counsel in respect of the 2018 caution when she gave her evidence in the Crown Court at Oxford in May 2021. However, she had given those admissions.

30. In her evidence, Dr Wicksteed acknowledged that she had received a caution and that, in fact, she had items in her possession in her bag for which she had not paid. However, she maintained that she had forgotten the fact that she had the items in her bag. After she had selected them, she went upstairs in the store to feed her baby which took about 45 minutes. When she exited the store, she forgot that she still had jeans in the bottom of her buggy. She denied hiding the jeans, explaining that transferring them to the bottom of the buggy was to keep them safe. She offered no explanation for the fact that, in addition, she had a kettle and other items in her bag for which she had not paid. Dr Wicksteed said that when she was stopped she broke down in tears and explained that it was a genuine mistake, that [REDACTED] and that she had the means to pay for the jeans. She was asked to sign the caution some weeks after the incident. She contended that she was obliged to sign the caution as she had no choice other than to be prosecuted. She said that she was not given the opportunity to pay a fine as she had had the ARD.
31. The Committee noted that Dr Wicksteed had between 4 January and 9 March 2018 to consider whether to accept the caution. It also noted her assertion in evidence that she was not offered a duty solicitor by the police when she was interviewed by the police in Banbury Police Station. However, the police log records that she stated that he did not want a solicitor to be present.
32. The Committee considered the allegation that Dr Wicksteed stole items from Debenhams in the context of it having already found that she had stolen items from Tesco Extra Store in 2015. It therefore considered that the argument that she had a propensity to act dishonestly is not without merit.
33. The Committee has carefully considered all the evidence relating to charge 3. It has reached the firm view that the evidence which the College presented is reliable and should be accepted, notwithstanding that some of it was hearsay and the actual caution which Dr Wicksteed accepted was not in evidence. It did not find Dr Wicksteed's evidence credible. It noted that she did not speak to the other items the subject of the alleged theft, in particular the kettle which would scarcely have been not noticeable when she left the store. It noted her alleged admissions in the police log and the admissions which were recited in the trial in the Crown Court in Oxford in May 2021. The Committee found charge 3 proved beyond reasonable doubt.

Charge 4 – Failing to inform the College of the 2015 ARD

34. The Committee considered this aspect of charge 4, particularly as to whether it found that Dr Wicksteed was under an obligation to declare the 2015 ARD to the College on any of the occasions listed in paragraphs i to vi of charge 4.
35. The Committee noted that the obligation to disclose convictions, cautions and adverse findings was to be found at all material times in part 5.3 of the Code of Professional Conduct for Veterinary Surgeons as follows:

Veterinary surgeons, and those applying to be registered as veterinary surgeons, must disclose to the RCVS any caution or conviction, including absolute and conditional discharges and spent convictions, or adverse findings which may affect registration, whether in the UK or overseas (except for minor offences excluded for disclosure by the RCVS).

36. It further noted that the RCVS publishes a Protocol which provides guidance to veterinary surgeons on what, when and how they are required to disclose to the RCVS and what happens once a disclosure has been made. In his written statement, Mr Girling stated that the same protocol procedure has applied since February 2014, save for minor differences. That protocol is the RCVS Protocol on Handling of Convictions, Cautions and Adverse Findings Declared by Veterinary Surgeons (the Protocol). Paragraph 12 defines “Adverse finding” as follows:

Adverse finding means any finding:

- *Within veterinary school or university fitness to practise procedures, in the UK or overseas (applicants to the Register only)*
- *Of any other veterinary regulator overseas, and*
- *Of any other healthcare regulator in the UK or overseas.*

37. The Committee noted Ms Nicola South’s witness statement wherein she states:

All veterinary surgeons are required to complete an annual renewal to maintain their registration status.

She set out the detail of the 2016 renewal form which includes a request to tick one or other of two boxes as follows:

I have no caution or conviction, including absolute and conditional discharges and spent conviction, or adverse finding (including by another regulator or professional disciplinary proceedings) in the UK or overseas, or I have previously declared them to the RCVS.

I wish to declare the following caution or conviction, including absolute and conditional discharges and spent convictions, or adverse finding.

She added that:

The wording in the renewal form for each subsequent year varied slightly, but the request remained the same. Throughout the period from 2016 to present, the question has included reference to cautions and adverse findings as well as convictions.

38. The Committee carefully considered all this evidence. It noted that the Protocol defines adverse finding. It noted that the obligation to disclose was in respect of cautions, convictions and adverse findings. By reason that an ARD is neither a conviction, nor a caution, nor an adverse finding, it concluded that Dr Wicksteed was not under any obligation to disclose the 2015 ARD on any of the occasions identified in charge 4.

39. In the light of the foregoing, the Committee does not find paragraphs 4(i) to 4(vi) proved insofar as those charges relate to the 2015 ARD.

Charge 4 – Failing to inform the College of the 2018 caution.

40. Paragraphs 4(iii) to (vi) of the charge refer to an alleged failure on the part of Dr Wicksteed to disclose both the 2015 ARD and the 2018 caution. By virtue of its reasoning in relation to the ARD contained in the previous section of this determination, it can only consider these paragraphs of the charge in relation to the 2018 caution. The Committee received advice from the Legal Assessor that it is able to find each of these sub-paragraphs of the charge proved without the element of the ARD.
41. The College relied on the evidence of Mr Girling and Ms South that it had received no disclosure of her 2018 caution from Dr Wicksteed on 25 March 2018 (charge 4(iii)); 29 April 2019 (charge 4(iv)), 31 March 2020 (charge 4(v)) and 14 April 2021 (charge 4(vi)). Those witnesses explained in their witness statements that extensive research and enquiry had been made to ascertain whether the College had received any such disclosure. None was found.
42. Dr Wicksteed gave evidence that she had mistakenly ticked the wrong box on her renewal form on 25 March 2018 to state:

I have no caution or conviction, including absolute and conditional discharges and spent conviction, or adverse finding (including by another regulator or professional disciplinary proceedings) in the UK or overseas, or I have previously declared then to the RCVS.

She stated that she could not amend it. Despite this, she submitted the renewal form. In consequence she subsequently telephoned the College to ascertain what she should do. She acknowledged that this was by way of being an anonymous telephone call. She was advised that she should download the voluntary disclosure form and send it to the Professional Conduct department. She explained that she did this – in about April 2018, and that she did not declare the caution in her subsequent renewals as, so far as she was aware, she had already done so.

43. The Committee carefully considered Dr Wicksteed's explanation. It has already noted that the argument that she had a propensity to act dishonestly is not without merit. In March 2018, in addition to the 2015 ARD, she had also accepted a caution for stealing from Debenhams.
44. The Committee noted that if she had mistakenly ticked the wrong box on the 2018 renewal form, and sent it, she would not only have failed to inform the College about her caution, but she would have represented to the College something which was not true. The Committee also found it hard to understand how it was that Dr Wicksteed could not change

an erroneous statement on the form, or if she could not, why she did not simply abort the completion of the form and start a fresh one. Further, the Committee found it astonishing that if the context of her telephone call was that she had mistakenly and erroneously completed the declaration, she did not disclose her name to the officer of the College, who was in fact Mr Girling, rather than speak to him anonymously. Further, Dr Wicksteed appeared to be interested in whether the PIC would take no action if she was subject to a caution. Still further, the Committee regarded it as surprising that, if she did send the form in the post, she waited until April 2018 to do so, about a month after the renewal application had been submitted, and that she did not seek to ascertain whether it had in fact been received, particularly when she did not receive a receipt. It was mindful of the fact that at paragraph 24, the Protocol states:

Once you have submitted the disclosure form, you will be sent a written acknowledgement of receipt from the Professional Conduct Department.

45. In the light of all these matters, the Committee has reached the conclusion that although it is possible that the voluntary declaration which she claims she sent to the College could have been lost by the Royal Mail or lost in the College as Mr Girling acknowledged, she did not send any such voluntary declaration in April 2018. The fact that she eventually found a copy of the alleged form in July 2022 which she sent to the College at that time by way of confirmation that she had indeed sent it in April 2018, did nothing to persuade the Committee that she had sent it when she said she had. The Committee noted that the form she produced in July 2022 was not a 2018 form, but a form with the date corrected to read 2018. The Committee considered that it was unlikely that in 2018, when downloading the form, a form bearing a different date would have appeared. Moreover, notwithstanding that Dr Wicksteed stated in October 2021 that she could find a scanned copy of the voluntary disclosure, she did not in fact send it until July 2022; nor did she avail herself of the opportunity to send it in some six emails which she sent to the College during that period.
46. Bearing these matters in mind the committee's findings in relation to paragraph 4, insofar as it relates to the 2018 caution are as follows:

Paragraph 4(iii). The Committee found that she failed to inform the College of the 2018 caution on 25 March 2018 as the renewal which she submitted on that day did not disclose the 2018 caution.

Paragraph 4(iv). By reason that the Committee finds that she did not send a voluntary declaration to the College in April 2018 that she had accepted the 2018 caution, it finds that she failed to inform the College of the 2018 caution on 29 April 2019 as the renewal which she submitted on that day did not disclose the 2018 caution.

Paragraph 4(v). By reason that the Committee finds that she did not send a voluntary declaration to the College in April 2018 that she had accepted the 2018 caution, it finds that she failed to inform the College of the 2018 caution on 31 March 2020 as the renewal which she submitted on that day did not disclose the 2018 caution.

Paragraph 4(vi). By reason that the Committee finds that she did not send a voluntary declaration to the College in April 2018 that she had accepted the 2018 caution, it finds that she failed to inform the College of the 2018 caution on 14 April 2021 as the renewal which she submitted on that day did not disclose the 2018 caution.

In the light of the foregoing, the Committee finds paragraphs 4(iii), 4(iv), 4(v) and 4(vi) of the Allegation proved insofar as they relate to the 2018 caution.

Paragraph 5

47. The Committee received advice from the Legal Assessor that it was able to find all of the paragraphs of the charge proved without the element of the ARD.

Paragraph 5(i)

48. The Committee repeats its reasoning in relation to paragraph 4 insofar as it relates to the 2018 caution.
49. The Committee first considered Dr Wicksteed's knowledge and belief as to the facts when she was completing each of the forms in paragraphs 4(iii) to (vi). Its findings in that regard are as follows:
- a. Dr Wicksteed knew that she had accepted the 2018 caution;
 - b. Dr Wicksteed knew that the renewal form required her to honestly and accurately complete it with regard to her having received a caution.
 - c. Dr Wicksteed knew that she had not accurately completed the form in March 2018;
 - d. Dr Wicksteed knew that she had not sent a voluntary declaration in April 2018 to the College disclosing her caution;
 - e. Dr Wicksteed knew that, as she had not disclosed her caution in April 2018, she could not avail herself of the permission set out in the form not to redisclose something which had already been disclosed.
50. The Committee considers that honest and decent people would regard Dr Wicksteed's conduct in not disclosing the caution on each of the occasions set out in paragraphs 4(iii) to (vi), in the light of her knowledge and belief as set out in the preceding paragraph, to be dishonest.
51. Paragraph 5(i) is therefore found proved in respect of paragraphs 4(iii), 4(iv), 4(v) and 4(vi) insofar as those paragraphs relate to the 2018 caution.
52. Paragraph 5(i) of the Allegation is found not proved in respect of paragraphs 4(i), 4(ii), 4(iii), 4(iv), 4(v) and 4(vi) insofar as those paragraphs relate to the 2015 ARD.

Paragraph 5(ii)

53. The Committee finds that it was misleading of Dr Wicksteed not to inform the College of her caution as set out in paragraphs 4(iii), 4(iv), 4(v) and 4(vi) of the charge as her failure to do so would cause the College to be ignorant of the fact that she accepted a caution in 2018. Paragraph 5(ii) is therefore found proved in respect of paragraphs 4(iii), 4(iv), 4(v) and 4(vi) insofar as those sub paragraphs relate to the 2018 caution.
54. Paragraph 5(ii) of the charge is found not proved in respect of paragraphs 4(i), 4(ii), 4(iii), 4(iv), 4(v) and 4(vi) insofar as those paragraphs relate to the 2015 ARD.

Paragraph 5(iii)

55. By virtue of its findings in paragraph 4, insofar as they relate to the 2018 caution, the Committee finds that Dr Wicksteed failed to take adequate steps to inform the College of the 2018 caution. Paragraph 5(iii) is therefore found proved in respect of paragraphs 4(iii), 4(iv), 4(v) and 4(vi) insofar as those paragraphs relate to the 2018 caution.

56. Paragraph 5(iii) of the charge is found not proved in respect of paragraphs 4(i), 4(ii), 4(iii), 4(iv), 4(v) and 4(vi) insofar as those sub paragraphs relate to the 2015 ARD.

DISCIPLINARY COMMITTEE

26 April 2023