

**ROYAL COLLEGE OF VETERINARY SURGEONS**

**INQUIRY RE:**

**JOANNA WICKSTEED MRCVS**

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**DISCIPLINARY COMMITTEE DECISION ON FITNESS TO PRACTICE AND  
DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT**

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Stage 2

1. The Committee must now decide whether the conviction in charge 1 renders Dr Wicksteed unfit to practise veterinary surgery, and whether, by each or any of the matters found proved in charges 2, and/or 3 and/or 4 and/or 5, either individually or in combination, she is guilty of disgraceful conduct in a professional respect.

**Charge 1 Fitness to practise veterinary surgery**

2. The Disciplinary Committee's Guidance document (August 2020) (the Guidance) provides at paragraph 25:

*A conviction may be related to professional or personal behaviour and whether it renders a veterinary surgeon unfit to practise is a matter of judgment for the Disciplinary Committee. Behaviour unconnected with the practice of veterinary surgery can cause concerns about the protection of animals or the wider public interest.*

3. The "wider public interest" includes upholding the reputation of the veterinary profession and maintaining public confidence in the profession. A veterinary surgeon may be unfit to practise as a result of conduct which is of such an egregious nature that it has the potential to bring the profession into disrepute and undermine public confidence in the profession.
4. The Committee noted that the conviction concerned three elements of dishonesty: theft and two counts of fraud. It involved stealing from a junior colleague at work, and the fraudulent activity – the use of the colleague's card - was carefully planned in that, when it was used, it

was in respect of items which did not cumulatively cost in excess of £30 and therefore did not require knowledge of the card holder's PIN. It was used twice in the Tesco Store. Between those times Dr Wicksteed changed her appearance by taking off her coat and waited some 20 minutes.

5. The Committee did not consider that any of the mitigating features listed in the Guidance as being relevant to the circumstances of a charge were relevant in this case. It did give consideration to whether the fact, if established that Dr Wicksteed was suffering from ill health at the time of the offence, could constitute a relevant mitigating factor. It reached the conclusion that, whilst Dr Wicksteed may have suffered ill health both before and at the time of the offence, she has not submitted any evidence upon which the Committee could find that ill health was connected with her criminal activity in October 2018. The Committee acknowledges that it is most surprising and distressing to find before it a veterinary surgeon who has committed this and several other acts of dishonesty, notwithstanding an apparently successful professional career and a contented home life. But that fact alone, in the absence of robust psychiatric and / or other medical evidence, is not sufficient for it to reach any conclusion that health was a factor in the behaviour which led to the criminal activity under consideration. If there is a psychiatric explanation for Dr Wicksteed's behaviour, it is for her to present it to the Committee by calling appropriate evidence.
6. The Committee did consider a number of testimonials and references, but it found that they did not assist it in understanding why Dr Wicksteed committed the offences of theft and fraud in respect of which she was found guilty in the Oxford Crown Court in May 2021.
7. The Committee accepted the College's argument that members of the public would find it abhorrent for a member of the profession to have acted in this way – stealing from a junior colleague a card held under a Power of Attorney for her brother, and spending money using that card, deliberately keeping each transaction under the contactless limit to try to conceal the conduct. "Honesty and integrity" is one of the five key principles which must be maintained by members of the profession. It applies across all aspects of a Respondent's life. A Respondent cannot choose the areas in which the principle should be observed. Dr Wicksteed has breached that principle. Her behaviour by its very nature, has brought the profession into serious disrepute and is liable to undermine public confidence in the profession.
8. The Committee noted Dr Wicksteed's admission that the conviction renders her unfit to practise veterinary surgery.
9. The Committee accepted the submissions of both the College and Dr Wicksteed and in its judgment found that the conviction renders the Respondent unfit to practise veterinary surgery.

#### **Disgraceful Conduct in a professional respect**

10. The Committee noted that "*Disgraceful conduct in a professional respect*" has been defined as conduct falling far short of that which is expected of a member of the profession. This issue is a matter for the Committee's judgment; there is no burden or standard of proof to be applied at this stage. It also noted paragraph 24 of the Guidance as follows:

*Disgraceful conduct in a professional respect is not limited to conduct involving moral turpitude or to a veterinary surgeon's conduct in pursuit of his profession, but might extend to conduct which, though reprehensible in anyone, was in the case of a professional person, so much more reprehensible as to merit the description disgraceful in the sense that it tended to bring disgrace on the profession he or she practised.*

### **Charge 2 and charge 3**

11. The Committee considered these two charges together by reason that they both involved shoplifting although they were committed some two and a half years apart. In doing so, it was alive to the fact that when Dr Wicksteed stole from Tesco in October 2015, she had a clean record and there was no suggestion that she had a propensity to behave dishonestly. Of course it was also alive to the fact that when she went shoplifting in January 2018, she had already had an ARD for shoplifting in 2015.
12. There is no evidence that Dr Wicksteed did not have the means to pay when she engaged in shoplifting in 2015 and in 2018. She was not in severe need.
13. As before, and with the same observations about the absence of any robust medical or psychiatric evidence connecting her dishonesty with her health, the Committee could find no mitigating features about these instances of dishonesty.
14. The Committee noted the College's submission that the theft which led to the 2018 caution constituted disgraceful conduct in a professional respect and members of the public would be rightly concerned that a member of the profession had acted in this way. It also noted that Dr Wicksteed admitted disgraceful conduct in a professional respect in this regard.
15. The Committee finds that Dr Wicksteed has brought the profession into disrepute by her criminal activity as found in charges 2 and 3. It therefore finds disgraceful conduct in a professional respect.

### **Charge 4 and charge 5**

16. Essentially these charges stem from Dr Wicksteed's dishonest failure to disclose the fact of her caution which she received in March 2018 in her renewal declaration on 25 March 2018 and annually thereafter on subsequent renewals. Thus she misled the College into understanding that she had no caution to declare.
17. The College submitted that to fail to declare a caution, and to be dishonest in doing so, not only risks undermining the College's statutory processes, it also risks undermining public confidence in the College and its ability to perform its statutory duties. This was not a single instance of misleading and dishonest conduct but was a repeated pattern over a period of three years. The Committee accepted that argument.
18. The Committee also accepted that the failure to declare the caution was a breach of paragraph 6.5 of the Code which provides:

*“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.”*

19. The Committee did not consider there were any mitigating features. In particular it was concerned that Dr Wicksteed maintained her position regarding her failure to disclose the conviction notwithstanding that she had had a telephone conversation with Mr Girling on 26<sup>th</sup> March 2018, in which she was advised that a veterinary surgeon had to disclose a caution.
20. The Committee noted that Dr Wicksteed stated that she accepted that her conduct amounted to disgraceful conduct in a professional respect in regard to these charges. It noted that she did not accept the Committee’s findings that she did not disclose her caution in April 2018.
21. The Committee considered that Dr Wicksteed’s dishonest failure to disclose the caution undermined the integrity of the system of regulation which the College uses to enable it to preserve the reputation of the profession and to maintain standards of conduct and behaviour amongst its members.
22. The Committee finds that by her dishonesty and misleading failure to disclose her caution Dr Wicksteed was guilty of disgraceful conduct in a professional respect.
23. In the event therefore, the Committee finds disgraceful conduct in a professional respect both singularly and cumulatively, in regard to charges 2, 3, 4 and 5.

**Disciplinary Committee**

**27 April 2023**