

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

JOANNA WICKSTEED MRCVS

DISCIPLINARY COMMITTEE DECISION ON SANCTION

1. The Committee has given detailed consideration to all the evidence in this case, the submissions of Counsel for the College and Dr Wicksteed and the advice of the Legal Assessor. The Committee has paid particular attention to the Disciplinary Committee Guidance and considered both aggravating and mitigating factors and also the RCVS Code of Professional Conduct.
2. Counsel for the College confirmed that there were no previous decisions of the Disciplinary Committee which related to Dr Wicksteed.
3. The Committee has read the character references submitted by Dr Wicksteed on her behalf as follows:

Dr Annemarie Skellet, who also gave oral evidence;
Dr Abby Caine MA VetMB CVertVDI DipECVDI FRCVS, who also gave oral evidence;
Agata Kowalska-Belcher;
Dr Emily Haley BSc. BVSc. MRCVS, who also gave oral evidence;
Sarah Harris RVN;
Mirela Ginea MRCVS (Clinical Director) (two letters)
Mrs Anneli Pickup MA VetMB MRCVS (Senior Veterinary Surgeon)
Thomas Robertson MA VetMB CertVDI CertVC MRCVS (Advanced Practitioner in Diagnostic Imaging and Cardiology, Clinical Director at Taverham Veterinary Hospital)
Mr George Hnatkivdkyj (Principal Veterinary Surgeon)

The Committee found the references to be genuine and thoroughly supportive of Dr Wicksteed. The referees clearly all knew her personally and found it extraordinary that she could behave in the way the Committee and indeed the jury in the Oxford Crown Court has found.

4. Before considering any aggravating features in relation to her conduct as found proved, the Committee first considered whether Dr Wicksteed has shown any insight into her behaviour. It noted a number of points which she made in her submission as follows, and it makes observation on those points:

- a. I have had a very long, almost 22 year, unblemished career as a veterinary surgeon, and none of the past incidents have been directly connected to my veterinary work.

As a professional veterinary surgeon, registered with the RCVS, it is not appropriate for Dr Wicksteed to describe her career as unblemished in the light of the dishonesty which has been found proved or admitted. It is not possible for a professional person to compartmentalise their life into professional and private categories. The obligation to behave with honesty and integrity is one of the fundamental tenets of the profession. It reaches out to a veterinary surgeon's whole life.

- b. I have fully accepted my conviction and taken full responsibility for having used a payment card that was not my own. I also accept that by doing this, I have brought the profession into serious disrepute for which I am truly sorry and ashamed. I also appreciate how a conviction of this nature constitutes serious professional misconduct and falls far short of the behaviour the public would expect from a veterinary surgeon.

The Committee noted that Dr Wicksteed did not refer to the caution, nor the ARD in this submission. Moreover, it was most concerned that she has not in fact developed the sort of insight into her dishonest behaviour which is required. She did not declare the caution on renewal of her registration, nor did she declare any of these matters, nor the fact that she was before her regulator, to her present employers. She stated the following in an email submitted to the Committee at the end of her evidence the following:

I didn't explain myself very well yesterday and would like to add that, because I know the truth that I am not a criminal and did not take [REDACTED] debit card, I have sought to carry on with my life as if I didn't have a criminal conviction, particularly now that I have finished the community service and my probation period will come to an end in 1 month's time.

Rightly or wrongly, this is my way of coping with the situation and I have tried to minimise the effect it has had on my life for the sake of my family and my mental health. For obvious reasons, I therefore don't go around telling everyone that I have a criminal conviction for theft and fraud if they don't need to know.....

For this reason, because I had worked at the locum practice back in 2019 before I had even had a court summons, and because they knew me to be a reliable vet and asked me to help them out again, I did not mention my conviction for fear of a sense of immediate mistrust and suspicion. I know in myself there is absolutely no risk to the practice having me work there as I can 100% guarantee that I will not be going through other people's personal belongings, as this is not something I would do because I am not a thief, contrary to what Judge Gledhill said about me.

Dr Wicksteed had an ethical obligation to disclose her caution and her conviction to both the RCVS and to her employers. Judge Gledhill told her in May 2021:

“Any employer who employs you will have to know what you have done in the past.”

Nevertheless she did not do that. As Counsel for the College submitted, Dr Wicksteed continued with her practice under the radar of regulation. That approach denies the College of its obligation to regulate the profession and exposes its reputation to damage. It also denies it the opportunity to maintain proper standards for its practitioners.

- c. I also have complete confidence that incidents such as those that led to the ARD and caution will never happen again because I am a very different person now compared to the anxious and sleep deprived mother when my children were young.

This statement shows little regard to the fact that Dr Wicksteed has carried out dishonest activity on a number of occasions by way of shoplifting and fraud and in respect of her failure to disclose her caution up to and including April 2021. Although, as mentioned in the facts determination, she has in the past admitted her dishonest activity which resulted in the 2015 ARD and the 2018 caution, she has now sought to deny it. She appears never to have attempted to understand it and continues to challenge it. Although she contends that she has developed strategies to ensure that her mood remains stable – talking therapy, regular exercise and self care, the Committee has reached the view that she has not sought to get to the bottom of why she has behaved in the way she did, nor provided it with any or sufficient reassurance that these matters will not happen again. Her failure to disclose her misconduct to her present employers confirmed the Committee’s concerns in this regard.

- d. ... I have complied wholly with the sentence I was given and feel that I have already been punished proportionately ...

Dr Wicksteed’s reflection in this regard concerned her own personal position. In these regulatory proceedings, the Committee is primarily concerned with the wider public interest and the welfare of animals. It is those matters which weigh with the Committee when considering sanction. In addition, the Committee’s role is not to punish a respondent in the event that a hearing reached stage 3.

- 5. In the light of the foregoing, the Committee reached the view that Dr Wicksteed has not developed sufficient insight into her misconduct and behaviour.

- 6. The Committee considered that Dr Wicksteed’s conduct had the following aggravating features:

- a. In relation to the Conviction

- i. Harm was occasioned to the holder of the card. She had the card as she had a power of attorney for her brother who was a vulnerable person. She was distressed by the loss of the card, particularly as it had gone missing from her place of work, the veterinary surgery.
- ii. Harm was occasioned to a vulnerable person, the brother of the holder of the card. Until such time as the offences were detected, he had suffered financial loss. Financial loss was also occasioned to the store where the card

was used which had to spend time and effort in dealing with the consequences;

- iii. The conviction amounted to three offences of dishonesty. There was therefore repeated misconduct.
 - iv. Whilst the theft of the card may not have been pre-planned, the fraudulent activity, in the view of the Committee, was carefully thought through to evade detection;
 - v. Dr Wicksteed intended to and did derive financial gain from her actions until they were discovered;
 - vi. Both the theft of the card and the subsequent fraudulent use of it involved a significant breach of the trust Dr Wicksteed's colleagues had in her as a senior colleague and veterinary surgeon working in the practice;
 - vii. Dr Wicksteed demonstrated inadequate insight into the conduct, especially as she had committed acts of theft in 2015 and, in the same year, in 2018 when she accepted a caution.
 - viii. Dr Wicksteed was in breach of the caution which she accepted in March 2018. Her criminal behaviour in October 2018 took place in the context of having been made subject to the ARD in 2015, as well as that caution.
- b. In relation to the shoplifting in 2015 and January 2018, the subject of the ARD and the caution respectively:
- i. The Committee found that the shoplifting in 2015 and 2018 had some of the aggravating features listed above when it was considering charge 1, and in addition:
 1. The dishonesty in January 2018 represented a repetition of the dishonesty in 2015, and was committed notwithstanding that Dr Wicksteed had previously accepted the ARD, and therefore received something of a warning about her dishonest behaviour. It was a similar offence.
 2. Dr Wicksteed sought financial gain notwithstanding that she had the means to pay for the goods she stole on each occasion.
 3. Notwithstanding that she accepted the 2015 ARD and the 2018 caution, Dr Wicksteed demonstrated inadequate insight into her behaviour.
- c. In relation to Dr Wicksteed's dishonest and misleading failure to disclose her caution in her declarations to renew her registration between 2018 to 2021:
- i. Repeated dishonesty;
 - ii. Purposeful premeditated misconduct;
 - iii. Financial gain in that her registration was not put at risk and she was therefore able to continue in paid employment in practice;
 - iv. Breach of the trust that the College and fellow practitioners of veterinary surgery would have had in her that she would disclose matters on renewal of her registration;
 - v. Her misconduct was sustained and repeated over a period of time;

- vi. Wilful disregard of the role of the RCVS and the systems that regulate the veterinary profession;
 - vii. Dr Wicksteed has demonstrated inadequate insight into the disgraceful conduct.
7. So far as mitigating features are concerned, the Committee makes the following observations about the points which Dr Wicksteed advances insofar as they are relevant:
 - a. It accepts that there was no actual harm to any animals, but that was not the gravamen of the case;
 - b. It accepts that she had an unblemished career until 2015 and that she has presented to the Committee some 34 complimentary testimonials from clients, in addition to the character references to which the Committee refer above;
 - c. It accepts that she has suffered from ill health but, as recited in its determination at stage 2, it has not seen evidence which connects that ill health with her dishonest behaviour;
 - d. It accepts that she has developed certain strategies to maintain her mood, and observes that she maintained composure in these proceedings. However, as mentioned elsewhere, it does not accept that she has addressed the real problem here which led her to succumb to opportunities to behave dishonestly when they arose, and which has led to her failing to address her responsibilities as a Member of the RCVS. Whether that could be addressed by her attendance on, for example, ethical courses, alternatively by her seeking medical assessment, is not for the Committee to determine. The Committee simply finds that she has not addressed the fundamental problem here.
 - e. There has been a significant lapse of time since the fraudulent activity in 2018; however she continued to dishonestly fail to disclose her caution on renewals until 2021.
8. With these considerations in mind, the Committee considered what, if any, sanction to impose in Dr Wicksteed's case. In doing so it was well aware of the duty to act proportionately.
9. The Committee began by considering whether this was a case in which it should take no action or impose one or other of the less severe sanctions namely a reprimand or a warning. It considered that the matters which were found proved by admission or in the course of the hearing, which led to a finding that Dr Wicksteed was unfit to practise veterinary surgery and was guilty of disgraceful behaviour in a professional respect, were too serious.
10. The Committee also considered whether it should postpone judgement. This was not requested by Dr Wicksteed. In any event, the Committee found that Dr Wicksteed continues to present a risk to the public, something which was demonstrated by her failure to disclose to her present employers her conviction and the other matters, and the fact that she is before her regulator. In short, she has not been open and transparent.
11. So far as suspension is concerned, the Tribunal noted the following paragraphs of the Guidance:

68 *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.*

71 *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 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).*

72 *Suspension may not be appropriate where the respondent veterinary surgeon is convicted of a serious criminal offence and should not be permitted to practise until the satisfactory completion of the sentence.*

76 *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.*

12. The Committee concluded that a period of suspension would not be appropriate in this case. The misconduct is too serious and the Committee is not satisfied that Dr Wicksteed has shown sufficient insight into her behaviour.
13. The Committee therefore considered removal from the register. It had regard to the following paragraphs of the Guidance:

77 *Removal from the register may be appropriate where behaviour is fundamentally incompatible with being a veterinary surgeon, and may involve any of the following (the list is not exhaustive):*

- a. *Serious departure from professional standards as set out in the RCVS Code of Professional Conduct for Veterinary Surgeons;*
- b. *Deliberate or reckless disregard for the professional standards as set out in the RCVS Code;*
- c. *Causing serious harm (or causing a risk of serious harm) to ... the public, particularly where there is a breach of trust;*
- d. ...
- e. ...
- f. *Evidence of a harmful deep-seated ... attitude problem;*
- g. *Dishonesty..., particularly where persistent or concealed;*
- h. ...

Persistent lack of insight into the seriousness of their actions or the consequences; where the nature and gravity of findings are such that a lesser sanction would lack deterrent effect or would undermine public confidence in the profession or the regulatory process.

14. The Committee concluded that the matters set out in paragraph 77 of the Guidance above applied to this case. Accordingly, the Committee directs the Registrar to remove Dr Wicksteed's name from the RCVS Register of Registered Veterinary Surgeons.

Disciplinary Committee

28 April 2023