

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

SIMON PETER WOOD MRCVS

DECISION OF THE DISCIPLINARY COMMITTEE

A The submissions of the Royal College

(i) The conviction

1. On 19 December 2017 at the Portsmouth Magistrates Court, the Respondent was convicted of three counts of making indecent photographs of a child. On 22 January 2018 at the Portsmouth Crown Court he was sentenced to three-year Community Sentences to run concurrently in relation to all three matters and was made subject to a five-year Sexual Harm Prevention Order.
2. The Community Sentence included an order to participate in an Accredited Sexual Offending Programme and to undertake a rehabilitation activity requirement (for a maximum of 20 days), both of which were to be as directed by probation. In addition, the Respondent was fined £1,000, ordered to pay costs of £340.00 and a victim surcharge of £85.00.
3. The Sexual Harm Prevention Order was imposed for 5 years. The order prohibits the Respondent using any device capable of accessing the internet unless it has the capacity to retain and display the history of internet use and is at all times set to do so; and he makes the device available on request for inspection by a police officer. He is further prohibited from deleting his history of internet use from any device capable of accessing the internet, is prohibited from possessing any device capable of storing digital images unless he makes it available on request for inspection by a police officer and is prohibited from purchasing, downloading or activating any specialist software designed for use in evidence elimination.
4. In addition, the Respondent was placed on the barring list by the Disclosure and Barring Service and was required to register with the police pursuant to the Sexual Offences Act 2003 for a period of 5 years.

5. There was an order for forfeiture and destruction of the laptop computer which had been used for the purpose of the offences.

(ii) Facts underlying the Convictions

6. On 16 May 2017 police officers from the Internet Child Abuse team attended at the Respondent's home. The Respondent initially denied any offences, but then soon afterwards said words to the effect, "*you will find it on my laptop*"; The police seized the laptop and subsequently undertook a forensic analysis of its contents, which revealed the images in relation to which he was later charged.
7. It was not – and is not - suggested that the offences of “making indecent photographs” involved the Respondent having taken part in the original production of the images. The act of downloading an image to a computer, knowing that the image was, or was likely to be, an indecent image of a child, is sufficient to render a person guilty of an offence of making that image.
8. The date span for the three charges of making indecent images of children was the period from 25 September 2016 to 12 May 2017. The images forming the subject-matter of the convictions, fell into three categories. In terms of Category A images (which are the most serious in nature) there were 34 moving images (videos) and 4 still images; there were 3 moving images and 3 still images in Category B; and there was 1 moving image and 6 stills in Category C.
9. The police prepared a schedule in relation to certain of the images concerned which was referred to by the sentencing judge in the Crown Court (“the Judge”). The descriptions in that schedule show that the images downloaded by the Respondent contained extremely disturbing and seriously abusive images of children, some as young as 3 and 4. Age ranges vary, but include ranges of 3 to 6 and 4 to 13.
10. The Respondent was interviewed under caution by police officers on 16 May 2017. He stated that he had initially seen images of this nature by accident when he was downloading adult pornography several years before.

(iii) Sentencing remarks

11. In sentencing the Respondent, the Judge said:

"It has to be remembered that that happened in a room somewhere. One does not know where the children's parents were or what experience the children would have been through and how that would have utterly dismantled the rest of their lives. One hopes that they will be able to recover from abuse like that. It is therefore never simply a question of viewing these images. It is a trade that is persisted in which leaves these children to be isolated and subjected to these horrendous invasions."

(iv) Fitness to Practise Veterinary Surgery

12. The College submits that the conviction renders the Respondent unfit to practise veterinary surgery. The Respondent has accepted that it does so, on public interest grounds.
13. For a conviction to render a person unfit to practise veterinary surgery it need not relate to conduct in his professional practice. The Disciplinary Committee's Procedure Guidance (September 2013) provides:

"A conviction related to personal rather than professional behaviour may render a veterinary surgeon unfit to practise: behaviour unconnected with the practice of veterinary surgery may cause concerns about the protection of animals or the wider public interest." (Para 15).
14. 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.
15. The College submits that there can be no doubt that the convictions in this case render the Respondent unfit to practise. Knowingly downloading indecent images of children is so inherently deplorable and egregious that it must constitute conduct falling far short of that to be expected of a member of the profession; and is certainly liable to bring the profession into serious disrepute and undermine public confidence in the profession.
16. Moreover, the conduct does not relate to one single image: there are three offences and in total 38 video images and 13 still images. The offences related to the period between 25 September 2016 and 12 May 2017.
17. The descriptions in the police schedule show that the images were of the most deplorable and deeply concerning abuse of children. In the College's submission, intentionally downloading such images, on multiple occasions over a period of some seven and a half months, is disgraceful conduct of the most grievous and reprehensible kind.
18. The College submits that when consideration is given to the nature and the number of the images underlying these convictions, there can be no doubt that members of the public would find it abhorrent for a member of the profession to have acted in this way. The behaviour by its very nature brings the profession into serious disrepute and is liable to undermine public confidence in the profession.

(v) Sanction

19. In the Respondent's bundle, reference was made to a number of previously decided cases, both before this Disciplinary Committee and in other jurisdictions. The College urged caution in attaching significant weight to other decisions, as the facts of each of those other cases will undoubtedly differ from the current case. It is important

therefore that each case should be decided on its own particular set of facts and circumstances.

20. The College invited the Committee to refer to the Disciplinary Committee Procedures Guidance, which includes examples of aggravating and mitigating features, and contains guidance on outcomes and sanctions.
21. The College drew the Committee's attention to the following by way of aggravating features at paragraph 25 of the Guidance:
 - a Actual injury to .. human [in this case children]
 - b. Risk of injury to ... human [in this case children]
 - e Premeditated misconduct
 - h the involvement of a vulnerable [individual]
 - i sexual misconduct
 - k misconduct sustained or repeated over a period of time.
22. The Committee may in addition be assisted by the following, in the "Outcomes and Sanctions" section of the Guidance:

"53. 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. Causing serious harm (or causing a risk of serious harm) to animals or the public, particularly where there is a breach of trust;*
 - c. Offences of a sexual nature..."*

B. The submissions of the Respondent

23. The Respondent accepts that he was convicted of three counts of making (possessing) indecent images of a child ("IIOC") and received the sentence set out in the RCVS' charges which was imposed by the Crown Court at Portsmouth on 22 January 2018.
24. He also accepts that these convictions render him unfit to practise on the basis of public interest grounds alone. While it is conceded that, very often, such convictions will leave a regulatory body with little option other than to remove a practitioner from its register, given the particular circumstances of this case, the Committee can find that a period of suspension would sufficiently address the public interest concerns.

Mitigation

25. The Respondent referred the Committee to several cases that had been considered by the Disciplinary Committee and other regulators, which he believed to be relevant to the question of sanction in this case. By way of mitigation, the Respondent made the following submissions.
26. While the images covered all three categories of seriousness, there were a number of other features to the offences which point to them being comparatively less serious including:
- The volume of images was very limited when compared to what is usually expected to be found in such cases.
 - The Respondent readily assisted at the investigatory stage of the criminal proceedings by assisting officers in their search of his property.
 - The laptop containing the offending material was a personal laptop found at his home address and, so, there is no nexus between the offence and his practice.
 - Full admissions were provided at the earliest opportunity.
27. This is the first occasion where any concerns have been raised regarding the Respondent's fitness to practise and there remain no concerns regarding his clinical practice. The public interest considerations in sanctioning the Respondent are therefore confined to the issue of whether the public interest concerns raised by the Respondent's offending are compatible with him remaining on the RCVS Register.
28. In this respect the following factors are highly pertinent:
- The offences are wholly out of character;
 - The Respondent is of a positively good character;
 - The "unusual circumstances" that led to his offending;
 - The offending is wholly unrelated to his professional life – there is no suggestion that any of the offending behaviour was committed either on work premises or on work time;
 - None of the offending relates to animals;
 - Immediately after arrest he self-referred to various agencies and professionals to seek help;
 - He is unusual, in terms of offenders for this type of activity, in that he has an exceptional insight into his offending and its impact on others;
 - As a result of the work he has undertaken with professionals, he now presents as an extremely low risk of re-offending;
29. When sentencing the Judge described the offences as "unusual" and this is most apparent when considering the Respondent's personal circumstances. It is submitted that the root causes of the Respondent's offending and his response once they came to light demonstrate this is an instance where, perhaps unusually, the most

proportionate sanction which addresses these public interest concerns is a period of suspension.

30. The decision to obtain IIOC was described in the Respondent's Pre-Sentence Report as a form of "self-harm" in order to "punish himself mentally". Self-harming behaviour has also been previously exhibited by the Respondent. This desire to self-harm forms one of the symptoms which has led his psychiatrist, Dr Carr, ("the psychiatrist") to conclude that the Respondent suffers from a depressive disorder.
31. The Respondent has struggled with mental health issues throughout his life which have been exacerbated by a number of traumatic events. Those events include, bullying at school, the suicide of a friend and being the victim of several violent crimes including a serious sexual assault which occurred whilst on a holiday. In the view of the psychiatrist, this last trauma was followed by the Respondent experiencing anxiety and clinical depression.
32. While one of the negative consequences of these traumatic experiences has been his offending, the Respondent has also attempted to deal with these issues through his determination and focus on his veterinary practice. His partner and former veterinary colleague remarks in a character reference that she "*remains amazed to this day that he was able to perform as a vet to the highest standards despite having so much that he was suffering with*".
33. His reputation as an excellent practitioner is described by several other former colleagues in written testimonials (a) as someone who "*excelled in surgery and was confident in this field, also happy to teach others as requested*" (b) the Respondent was a "*consummate professional*" who had built "*strong working relationships and rapport with clients which had started to lead to the building of his own client base*".
34. Since the Respondent's offending behaviour was identified by the police he has demonstrated an exceptional level of insight. This was encapsulated by the Judge who remarked:

"you are unusual in terms of the level of understanding that you have and also that you have taken immediate steps yourself to self-refer for counselling, self-refer to your professional body and your remorse for your activity is clear"
35. This has been echoed by other professionals including his counsellor who compliments his "*honesty and hard work in taking responsibility for his behaviours*" and remarks that his actions have "*caused him great shame*" and that he "*hasn't sought to minimise, rationalise or blame*".
36. The Respondent has been driven to address the causes of his offending minimising any concerns that may be held regarding the risk of repetition. When sentencing it was observed that the Respondent posed a low risk of re-offending. More recently, the psychiatrist echoed the view of the Judge observing that his offending was "*to do more*

with issues of control and self-punishment'. The community requirements of his sentence ensure that any risk posed is already minimised and managed in a way which best protects the public.

37. A prime factor in the Respondent's determination to address his offending has been his commitment to the veterinary profession and his desire to, again, be someone who is fit and proper to practise. This is made clear in the impact these proceedings have had on him. The Respondent finds it very difficult to imagine a life where he is unable to continue his passion for veterinary practise but at the same time he does not seek to minimise his role in the harm his offending caused to children.
38. These are the comments of a young man who is deeply remorseful for his actions, deeply insightful as to impact this has had on his fitness to practise and deeply deserving of a second chance.
39. The Respondent referred the Committee to the mitigating factors listed in the Disciplinary Committee Procedure Guidance. He submitted that the following mitigating factors were present in this case:-
- (a) the circumstances of the incident
 - (b) no actual harm or risk of harm to an animal
 - (c) no financial gain
 - (h) open and frank admissions at an early stage
 - (i) ill-health at the time of the criminal offence
 - (j) subsequent efforts to avoid a repetition of such behaviour
 - (k) significant lapse of time since the incident
 - (l) demonstration of insight into the offence.
40. In conclusion it was submitted that, in these circumstances, a period of suspension is the proportionate and appropriate outcome, even a long period of suspension to run concurrently with the Community Sentences, which have some 2 years 5 months to run. This would allow the Respondent to further the progress he has already made in addressing the causes of his offending and satisfy the profession and the wider public that he is deserving of a second chance to continue his veterinary practice.

The Decision of the Disciplinary Committee on Sanction

41. The Respondent admitted the charges. The Respondent has also admitted that the conviction renders him unfit to practise veterinary surgery. The Committee accepted that the Respondent's admission as to his fitness to practise veterinary surgery was properly made. The Committee accepts the College's submissions in this regard.
42. The Committee considered carefully all of the submissions of both the College and the Respondent, and had regard to the personal circumstances of the Respondent including his mental ill health.

43. The Committee accepted the advice of the legal assessor. The Committee has had in mind that the primary purpose of 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 which it applies must be proportionate to the nature and extent of the conduct, and weigh the public interest with the interests of the Respondent.
44. The Committee has taken into account the character of the Respondent described in the testimonials produced. The Committee has had regard to the aggravating and mitigating factors.
45. The Committee recognised the Respondent's insight into the circumstances of his conviction and that he has made extensive efforts to obtain professional help in addressing his mental health problems. He has co-operated fully with the probation service following his conviction. He self-referred to the College after his conviction, and has co-operated fully with the disciplinary process. The testimonials submitted pay tribute to his skills as a veterinary surgeon. The Committee accepts that these are all mitigating factors.
46. When it comes to the question of sanction, the Committee should first consider whether it wishes to exercise its power to postpone judgement for a period not exceeding two years. The Committee decided that this was not appropriate in this case. The Committee also has no doubt that this case is too serious to take no further action.
47. The Committee did not consider that a reprimand or a warning as to future conduct was appropriate. This is a matter which resulted in serious criminal convictions in the Crown Court. The matters which the Committee has accepted do not suggest that the risk is such that a warning as to future conduct is a measure which is indicated. Moreover, such a sanction is insufficient for the gravity of the offence and does not properly address the public interest and/or the reputation of the profession and the College.
48. The Committee was invited to consider a long period of suspension to run concurrently with the Community Sentences imposed by the Court. However, even after a long period of suspension the Respondent's return to the Register would be automatic without any ability for the College to review his fitness to practise. Therefore, the Committee did not consider suspension was an appropriate sanction in this case.
49. In spite of the considerable mitigation referred to above, the Committee has reached the conclusion that the Respondent's behaviour was fundamentally incompatible with being a veterinary surgeon (Para 53 of the DC Procedure Guidance) namely offences of a sexual nature. The Respondent's behaviour was so serious that removal of professional status and the rights and privileges accorded to that status is the only means of protecting the wider public interest and maintaining confidence in the profession.

50. It has not taken this decision lightly, and, lest it be misinterpreted, it has not taken it in order to satisfy any notional public demand for blame and punishment. It has taken the decision because in its perception, the reputation of the profession had to be at the forefront of its thinking and ultimately it was more important than the interests of the Respondent. The decision is not simply based on the fact that these offences were of a sexual nature but because they were repeated frequently over a significant period of time and at the time, the Respondent knew on his own admission that what he was doing was wrong.
51. Accordingly, the Committee has decided that removal from the Register is appropriate and proportionate in this case. The Committee will direct the Registrar to remove the Respondent's name from the Register forthwith.
52. In the case of removal from the Register, any application for restoration to that Register requires another appearance before the Disciplinary Committee. At that hearing, the applicant is required to demonstrate that they are fit to practise as a veterinary surgeon at that time.

DISCIPLINARY COMMITTEE
1 JUNE 2018