

ROYAL COLLEGE OF VETERINARY SURGEONS

-v-

SIMON PETER WOOD

DECISION ON APPLICATION FOR RESTORATION

1. The Disciplinary Committee (“the Committee”) of the Royal College of Veterinary Surgeons (“the College”), convened to consider an application for restoration to the Register by the Applicant, Mr Simon Peter Wood. Ms Curtis appeared on behalf of the College. Mr Wood appeared and was represented by Mr Abbas Lakha, KC.

The original hearing

2. The Disciplinary Committee of the College heard the original case against Mr Wood on 31 May 2018 to 1 June 2018. Mr Wood did not participate fully in that hearing, although he had given instructions to his legal representatives. The Committee therefore proceeded in his absence.
3. The charge he faced was as follows:

“That, being registered in the Register of Veterinary Surgeons:

1. On 19 December 2017 at the Portsmouth Magistrates’ Court, you were convicted, following a guilty plea, of:

- (i) making indecent photographs of child (namely between 25 September 2016 and 12 May 2017, at Portsmouth, Hampshire, you made 34 moving and 4 still Category A indecent images of children), contrary to sections 1(1)(a) and 6 of the Protection of Children Act 1978;*
- (ii) making indecent photographs of child (namely between 25 September 2016 and 12 May 2017, at Portsmouth, Hampshire, you made 3 moving and 3 still Category B indecent images of children), contrary to the sections named in (i) above;*
- (iii) making indecent photographs of child (namely between 25 September 2016 and 12 May 2017, at Portsmouth, Hampshire, you made 1 moving and 6 still Category A¹ indecent images of children), contrary to the sections named in (i) above.*

In relation to which convictions, on 22 January 2018 at the Portsmouth Crown Court, you were sentenced as follows:

(A)

- (i) In relation to offence (i) above:*
 - a community sentence, namely you must participate in an accredited sexual offending programme as directed by probation, made as part of a 3 year community order;*
 - a community sentence, namely you must undertake a rehabilitation activity requirement as directed by probation, for a maximum of 20 days;*
 - a fine of £1000;*
 - costs of £340;*

¹ The original Committee assumed this to be a typographical error and that this part of the charge referred to Category C images.

- *victim surcharge of £85.*

(ii) In relation to offence (ii) above:

- *a community sentence, namely you must participate in an accredited sexual offending programme as directed by probation,*
- *made as part of a 3 year community order; a community sentence, namely you must undertake a rehabilitation activity requirement as directed by probation, for a*
- *maximum of 20 days, concurrent to the sentence on (i) above.*

(iii) In relation to offence (iii) above:

- *a community sentence, namely you must participate in an accredited sexual offending programme as directed by probation, made as part of a 3 year community order;*
- *a community sentence, namely you must undertake a rehabilitation activity requirement as directed by probation, for a maximum of 20 days, concurrent to the sentence on (i) above.*

(B) A Sexual Harm Prevention Order was made for a period of 5 years, under section 103 of the Sexual Offences Act 2003, whereby you were prohibited from:

(1) using any device capable of accessing the internet unless:

(i) it has the capacity to retain and display the history of internet use and is at all times set to do so; and

(ii) you make the device available on request for inspection by a police officer;

(2) deleting your history of internet use from any such device as described in para (1);

(3) possessing any device capable of storing digital images unless you make it available on request for inspection by a police officer;

(4) purchasing, downloading or activating any specialist software designed for use in evidence elimination.

(C) It was ordered that you may be placed on the barring list by the Disclosure and Barring service.

(D) You were required to register with the police pursuant to the Sexual Offences Act 2003, for a period of 5 years.

(E) An order for the forfeiture and destruction of laptop computer was made;

AND THAT it is alleged that the above convictions render you unfit to practise veterinary surgery”

4. The original Disciplinary Committee found all the matters alleged (and admitted) proved and determined that the convictions rendered Mr Wood unfit to practise veterinary surgery. It was directed that his name should be removed from the Register. In its decision on sanction, that Committee noted the following aggravating factors referred to by the College:

- Actual injury to .. human [in this case children]
- Risk of injury to ... human [in this case children]
- Premeditated misconduct
- The involvement of a vulnerable [individual]
- Sexual misconduct
- Misconduct sustained or repeated over a period of time.

5. The original Disciplinary Committee noted the following mitigating factors referred to by Mr Wood:

- The circumstances of the incident
- No actual harm or risk of harm to an animal
- No financial gain
- Open and frank admissions at an early stage

- Ill-health at the time of the criminal offence
- Subsequent efforts to avoid a repetition of such behaviour
- Significant lapse of time since the incident
- Demonstration of insight into the offence.

6. In deciding the appropriate sanction, the original Disciplinary Committee stated:

“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.”

“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.

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.

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.”

Background

7. On 19 December 2017, at the Portsmouth Magistrates Court, Mr Wood 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 Sentence Orders, to run concurrently in relation to all three matters. He was also made subject to a five-year Sexual Harm Prevention Order (“SHPO”).
8. 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, Mr Wood was fined £1,000, ordered to pay costs of £340.00 and a victim surcharge of £85.00.
9. The SHPO was imposed for five years. The Order prohibited Mr Wood from various activities associated with accessing the internet. The SHPO has now run its course.
10. In addition, Mr Wood 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 five years. That period too has now expired.
11. There was an Order for forfeiture and destruction of the laptop computer which had been used for the purpose of the offences.
12. The facts underlying the conviction are as follows. On 16 May 2017, police officers from the Internet Child Abuse team attended at Mr Wood’s home. Mr Wood 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 that revealed the images in relation to which he was later charged.
13. It was not suggested that the offences of ‘making indecent photographs’ involved Mr Wood 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.

14. 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 offences, fell into three categories. In terms of Category A images (which are the most serious in nature) there were 34 moving images (videos) and four still images; there were three moving images and three still images in Category B; and there was one moving image and six still images in Category C.
15. 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 descriptions in that schedule show that the images downloaded by Mr Wood contained extremely disturbing and seriously abusive images of children, some as young as three and four. Age ranges varied, but included ranges of three to six and four to 13.
16. The Applicant 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.
17. In sentencing Mr Wood, 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."

18. Since the original sanction by the Disciplinary Committee of removal from the Register, Mr Wood successfully applied for the revocation of the remaining part of the Community Order in the Crown Court. A probation report noted that there had been good compliance with the Order.

The first application for restoration

19. On 25 June 2020, Mr Wood's application to be restored to the RCVS Register was considered. At that hearing Ms Curtis, on behalf of the College, asked that Committee to consider the case of The Council for the Regulation of Healthcare Professionals v

General Dental Council (Fleischmann) [2005] EWHC 87. It was said in that case that “As a general principle, where a practitioner has been convicted of a serious criminal offence or offences he should not be permitted to resume his practice until he has satisfactorily completed his sentence.”

20. Ms Curtis pointed out that Mr Wood was sentenced on 22 January 2018. His three year Community Order in the ordinary course would have expired on 21 January 2021. Although it was revoked on the basis of early completion, the Community Order imposed was one of three years. Furthermore, the SHPO, which formed part of Mr Wood’s sentence, was not due to expire until January 2023.
21. The Committee considering that restoration application took into account the expert reports from Aileen George a counsellor and psychotherapist, dated 2 January 2018 and 16 December 2019, a report from Dr B Carr, a psychiatrist, dated 10 April 2018 and a report from Mr Ron Meldrum, a Cognitive Behavioural Therapist, dated 22 December 2017. That Committee accepted that Mr Wood’s underlying mental health issues, which were set out more fully in those expert reports, had contributed to his offending behaviour.
22. That Committee considered the factors set out in the Disciplinary Committee’s Procedure Guidance (applicable in June 2020) in exercising its judgement and in deciding if Mr Wood was fit to be restored to the Register, namely:
 - a. *Acceptance by the Applicant veterinary surgeon of the findings of the Committee at the original inquiry hearing;*
 - b. *The seriousness of those findings;*
 - c. *The protection of the public;*
 - d. *The future of the welfare of animals in the event of the Applicant veterinary surgeon being permitted to have his or her name restored to the Register;*
 - e. *The length of time off the Register;*
 - f. *The Applicant veterinary surgeon’s conduct since removal from the Register;*

g. Efforts by the Applicant veterinary surgeon to keep up to date in terms of knowledge, skills and developments in practice, since removal from the Register (accepting that he or she must not practise as a veterinary surgeon);

h. The impact on the Applicant veterinary surgeon of having his or her name removed from the Register; and,

i. The public support for the applicant veterinary surgeon.

23. In relation to (a) Acceptance by the Applicant veterinary surgeon of the findings of the Committee at the original inquiry hearing, that Committee said:

“The Committee accepted that Mr Wood had accepted the findings of the original disciplinary committee and that he had never sought to evade his responsibility.

It further took into account that Mr Wood was very remorseful and that there were positive character references within the Applicant’s bundle.

The Committee also took into account letters from Mr Wood including a recent self-reflection for the Committee and his oral evidence to the Committee about sensitive matters which included a history of Mr Wood being a victim of bullying, physical and sexual abuse.

It noted that at paragraph 58 of the judgment in the case of Fleischmann the court stated:

“In the criminal law a person’s motives, save where culpability is by law reduced, can have little or no bearing on the objective assessment of the gravity of the offending. A man who participates in conduct which corrupts children and causes them harm, for example, in order to alleviate his depression, causes the same harm as the man who derives pleasure from it. The Act penalises the conduct, not the motive. On one view, a failure to seek medical assistance in connection with depression and to choose to find relief in child pornography instead could be said to exacerbate rather than diminish the offending. In general, offending is and can be explained, but the gravity of it will not

be reduced by the asserted motive for it. It is an everyday explanation for a variety of offending that a defendant is a drug addict, an alcoholic or in financial difficulty. To that the response is that not all those under similar circumstances resort to offending, but legitimately work to overcome them.”

The Committee was satisfied that Mr Wood had sought to overcome the reasons for his offending behaviour since he had offended.

24. In relation to (b), the seriousness of the findings and (c) the protection of the public, the Committee hearing the first restoration application said:

“The Committee heard some evidence from Mr Wood about whether his motivation for viewing the indecent images was due to the fact he found them sexually gratifying. Mr Wood denied this was the case even when referred to a summary of potentially inconsistent answers which he had given in an interview under caution and to a probation officer.

The Committee determined that Mr Wood’s motivation was relevant to whether he was likely to reoffend. However, the Committee decided that irrespective of Mr Wood’s motivation, the charge and underlying criminal behaviour was a factor it was required to consider when determining the seriousness of the previous committee’s findings.

The Committee decided that Mr Wood was not fit to be restored to the Register. In essence, the Committee decided that the facts of the charge justifying removal from the Register and the underlying criminal behaviour were too serious for Mr Wood to be restored at this time. It concluded that because Mr Wood continued to be subject to a Sexual Harm Prevention Order, Notification requirements for sexual offenders and because he remained on the Barring List by the Disclosure and Barring service until January 2023, he was not fit to be restored to the Register at this time.

The Committee accepted that Mr Wood had made significant efforts to rehabilitate himself but it was not persuaded that he was fit to be restored to the Register because ancillary orders relating to the underlying criminal offences remained in force. The Committee noted that at the time those orders were made Mr Wood

was described as having an addiction and although the Committee accepted that there was a low risk of future reoffending, it decided that because the orders were still in place for public protection reasons, Mr Wood was not fit to be restored to the Register.

The Committee further decided that despite the strong mitigation Mr Brewer had advanced on Mr Wood's behalf, the seriousness of the underlying criminal behaviour was such that in the Committee's judgment Mr Wood continued to be unfit to be restored to the Register. The Committee took into consideration the number of images that were downloaded, the ages of the victims and the fact that the conduct took place over a period of nine months. It also considered the length of the sentence and the length of the ancillary orders that were imposed. Notwithstanding that Mr Wood had successfully completed the Community Order early, the Committee considered it significant that Mr Wood still remained subject to ancillary orders that did not expire until January 2023."

25. With reference to (d), The future of the welfare of animals in the event of the Applicant veterinary surgeon being permitted to have his or her name restored to the Register and (e), the length of time off the Register; that Committee said:

"References within the Applicant's bundle illustrated Mr Wood's positive character and the fact that when practising he had been a good veterinary surgeon. The Committee took all the positive references into account in exercising its discretion.

The Committee further considered whether by not restoring Mr Wood to the Register it was sacrificing the career of a professionally competent vet. The Committee referred to the case of Bijl in which the Privy Council decided on an appeal that a doctor should be suspended rather than erased from the Register. It noted that at paragraph 13 of the judgement it stated:

"The Committee was rightly concerned with public confidence in the profession and its procedures for dealing with doctors who lapse from professional standards. But this should not be carried to the extent of feeling it necessary to sacrifice the career of an otherwise competent and useful doctor who presents no danger to the public in order to satisfy a demand for blame and punishment"

The Committee decided that whilst the underlying criminal offences in this case were not fundamentally incompatible with restoration to the Register in the future, the timing of this application meant that Mr Wood was not fit because the ancillary orders continued to be in place to protect the public because they had not expired. The Committee therefore concluded that whilst Mr Wood remained subject to orders that required him to be protected from the public he was not fit to be restored. In the Committee's view the length of time before those orders expired outweighed the considerable mitigation advanced by Mr Wood."

26. In relation to (f), The Applicant veterinary surgeon's conduct since removal from the Register, it was said:

"The Committee considered that Mr Wood had done well to discharge the Community Order early and comply with the requirements the probation service had set.

The Committee further noted that the application for termination of the Community Order was made because the Applicant had completed the Sexual Offenders Treatment programme, had attended 59 appointments and because he had engaged well with the one to one Rehabilitation Activity Requirements (RAR). When revoking the order His Honour Judge Hetherington stated he was revoking it "on the grounds of good progress".

The Committee also took into account a list of studies that Mr Wood had used to improve his understanding of the causes and impact of sexual offending. This was to his credit.

27. With reference to (g), Efforts by the Applicant veterinary surgeon to keep up to date in terms of knowledge, skills and developments in practice, since removal from the Register, it was said:

"The Committee accepted the submission that Mr Wood had managed to remain professionally competent over the two years since his removal from the Register by continuing professional development.

It also considered that he had worked towards addressing any concerns regarding his mental health.

28. With regard to (h), The impact on the Applicant veterinary surgeon of having his or her name removed from the Register, the Committee stated:

The Committee acknowledged that removal from the Register had already caused Mr Wood considerable distress because he was passionate about being a veterinary surgeon and that it was part of his identity.

In refusing this application, the Committee did not seek to punish Mr Wood a second time but in the exercise of its discretion the Committee concluded that Mr Wood was not fit to be restored despite the efforts he had gone to in order to address the causes of his offending behaviour; because of the seriousness of the charge and the underlying criminal offences and because of the unexpired ancillary orders.”

29. Finally, in respect to (i), The public support for the Applicant veterinary surgeon, that restoration Committee stated:

“The Committee considered all the positive references from Mr Wood’s friends, family, previous colleagues and a current employer.

Nevertheless the Committee considered that Mr Wood was also not fit to be restored at this time because he remained subject to orders in place to protect the public. Those orders remained in place despite the fact Mr Wood was assessed as having a low risk of reoffending in the future.

Furthermore the Committee decided that if Mr Wood was restored to the Register at this time this would not maintain public confidence in the profession.

The Committee could not of course bind the hands of any future Committee or determine whether any new application after the ancillary orders had expired would be successful. That application would at that time have to be considered afresh by another Disciplinary Committee.”

30. Accordingly that Committee refused the application to restore Mr Wood to the Register.

31. All the ancillary Orders made by the Crown Court expired in January 2023.

Summary of the College's submissions in connection with this application

32. These are set out fully in the written submissions for the College in respect of this application. The Committee took into account the oral and written submissions and all the information within the College's bundle.
33. Ms Curtis on behalf of the College, drew the Committee's attention to the underlying facts relating to the conviction and the seriousness of the matters found proved. She said that the College were neutral on the application by Mr Wood to be restored to the Register. Miss Curtis invited the Committee to consider the factors set out in paragraph 85 of the Procedure Guidance (applicable from August 2020) and in particular (b), the seriousness of the original findings; (d), public interest; and (h), efforts to keep up to date with knowledge, skills and developments in practice.

Summary of the Applicant's submissions in connection with this application

34. These are set out in the renewed application for restoration to the Register of Veterinary Surgeons, dated 28 June 2023 and submitted on behalf of Mr Wood. Mr Wood also gave evidence before the Committee. The Committee took these into account, together with the submissions made by Mr Lakha, the information contained in Mr Wood's bundle and the additional statement provided on the day of the hearing.
35. In his oral evidence, Mr Wood confirmed the contents of his written statement and adopted the evidence he gave at his original restoration hearing on 24 June 2020. He also adopted the evidence he gave in the letters he provided in the original proceedings and answered questions put to him by the Committee.
36. Mr Lakha said that the renewed application was made on the following six grounds:
- a) Mr Wood has always been, and remains, professionally competent to be returned to the Register;
 - b) He has unusually strong mitigation for his offending;

c) Since his arrest he has consistently and repeatedly expressed and demonstrated profound remorse;

d) At the time of sentence, he posed a low risk of re-offending;

e) Since his sentencing he has engaged proactively and effectively with the Probation Service and other voluntary counselling services to gain greater insight into his offending, address its root causes and further reduce his already slight risk of re-offending; and,

f) He exceptionally completed his community sentence in less than 18 months, earning praise from the Probation Service and consequently the Court revoked the sentence early on the recommendation of the Probation Service. The term of his obligation under the Sex Offenders Register provision has also now elapsed. He therefore is no longer subject to any Court Orders arising from his conviction.

37. Mr Lakha said that the Crown Court Judge was able to distinguish Mr Wood's case from other cases of this nature and able, on the recommendation of the Probation Service, to pass a sentence other than immediate custody. He referred to the pre-sentence report prepared by the Probation Service, where it was said that in the author's view Mr Wood's offending was closely related to his strong negative views towards himself, his low self-esteem and lack of confidence, as well as self-harming behaviours, rather than solely being related to a sexual attraction to children. Mr Lakha said that these issues were addressed by the rehabilitative part of Mr Wood's sentence.

38. Mr Lakha acknowledged that any offending involving indecent images of children is of the utmost seriousness and, as the Sentencing Guidelines indicate, would normally attract a custodial sentence. However, considerable mitigation allowed the Judge to, unusually, impose a sentence that wholly departed from the sentencing guidelines. This was because:

a) The volume of the images was very limited compared to more typical examples of this type of offending;

b) Mr Wood made full admissions immediately on being confronted by the police, never thereafter sought to deny his responsibility, gave an open and

entirely honest account of his offending in interview, actively assisted police in their inquiries, pleaded guilty at the first opportunity, self-referred to the College and cooperated fully with the disciplinary process;

c) His offending, as attested to by numerous glowing character references from his family, friends, partner and former colleagues, was wholly out of character;

d) Following his arrest Mr Wood had immediately self-referred to various organisations and professionals to seek help, as a result of which he had what was described by the learned sentencing Judge as an “*unusual ... level of understanding*” of his offending and presented a low risk of re-offending; and,

e) Mr Wood was of previously unblemished good, and indeed exemplary, character, as again attested to by the numerous character references he was able to call upon at sentencing.

39. Mr Lakha said that there was also the five year SHPO that was actively policed by without-warning visits, where internet enabled devices have to be provided to the police to ensure total compliance with the Order. He said the Police Officer in charge of managing Mr Wood was most impressed with his compliance with the Order.

40. Mr Lakha made reference to the exceptional course taken by the Judge in reducing the Community Order of three years to 18 months as a result of the exceptional progress Mr Wood had made and his utter commitment to ensure he did everything he could to “*pay his debt*” for what he had done.

41. With reference to the application for restoration made in June 2020, Mr Lakha said that the primary reason on that occasion for the refusal of the application was because of the ancillary Orders that remained in force. He quoted the following passages from that decision:

“The Committee accepted that Mr Wood had made significant efforts to rehabilitate himself but it was not persuaded that he was fit to be restored to the Register because ancillary orders relating to the underlying criminal offences remained in force. The Committee noted that at the time those orders were

made Mr Wood was described as having an addiction and although the Committee accepted that there was a low risk of future reoffending, it decided that because the orders were still in place for public protection reasons, Mr Wood was not fit to be restored to the Register.

... Notwithstanding that Mr Wood had successfully completed the Community Order early, the Committee considered it significant that Mr Wood still remained subject to ancillary orders that did not expire until January 2023.

The Committee decided that whilst the underlying criminal offences in this case were not fundamentally incompatible with restoration to the Register in the future, the timing of this application meant that Mr Wood was not fit because the ancillary orders continued to be in place to protect the public because they had not expired. The Committee therefore concluded that whilst Mr Wood remained subject to orders that required him to be protected from the public he was not fit to be restored. In the Committee's view the length of time before those orders expired outweighed the considerable mitigation advanced by Mr Wood."

42. He added, however, that at paragraph 51 that Committee, without binding "*the hands of any future Committee*", invited Mr Wood to make a renewed application for restoration "*after the ancillary Orders had expired*".

43. Mr Lakha submitted that those remarks highlighted the principal grounds for refusing the application as the ancillary Orders from the original sentence, but against the background of very positive findings that tribunal made, in particular:

"The Committee took into account the expert reports from Aileen George a counsellor and psychotherapist, dated 02.01.18 and 16.12.19, a report from Dr B Carr, a psychiatrist, dated 10.04.18 and a report from Mr Ron Meldrum, a Cognitive Behavioural Therapist, dated 22.12.17. The Committee accepted that Mr Wood's underlying mental health issues which were set out more fully in those expert reports had contributed to the offending behaviour.

The Committee accepted that Mr Wood had accepted the findings of the original disciplinary committee and that he had never sought to evade his responsibility.

It further took into account that Mr Wood was very remorseful and that there were positive character references within the Applicant's bundle.

The Committee also took into account letters from Mr Wood including a recent self-reflection for the Committee and his oral evidence to the Committee about sensitive matters which included a history of Mr Wood being a victim of bullying, physical and sexual abuse

The Committee was satisfied that Mr Wood had sought to overcome the reasons for his offending behaviour since he had offended.

The Committee decided that the facts of the charge justifying removal from the Register and the underlying criminal behaviour were too serious for Mr Wood to be restored at this time. It concluded that because Mr Wood continued to be subject to a Sexual Harm Prevention Order, Notification requirements for sexual offenders and because he remained on the Barring List by the Disclosure and Barring service until January 2023, he was not fit to be restored to the Register at this time."

44. Mr Lakha said that the SHPO and notification requirements of the Sex Offenders' Register imposed on Mr Wood following his sentence, were both imposed for a period of five years. In consequence, they automatically elapsed on 22 January 2023. He is therefore no longer subject to any Court Order arising from his conviction.

45. Making further reference to the Committee's positive findings on the last occasion, Mr Lakha highlighted the following passages:

"References within the Applicant's bundle illustrated Mr Wood's positive character and the fact that when practising he had been a good veterinary surgeon. The Committee took all the positive references into account in exercising its discretion.

The Committee decided that whilst the underlying criminal offences in this case were not fundamentally incompatible with restoration to the Register in the future, the timing of this application meant that Mr Wood was not fit because the ancillary orders continued to be in place.

The Committee further noted that the application for termination of the Community Order was made because the Applicant had completed the Sexual Offenders Treatment programme, had attended 59 appointments and because he had engaged well with the one to one Rehabilitation Activity Requirements (RAR). When revoking the order His Honour Judge Hetherington stated he was revoking it “on the grounds of good progress”.

The Committee also took into account a list of studies that Mr Wood had used to improve his understanding of the causes and impact of sexual offending. This was to his credit.

The Committee accepted the submission that Mr Wood had managed to remain professionally competent over the two years since his removal from the Register by continuing professional development. It also considered that he had worked towards addressing any concerns regarding his mental health.

The Committee acknowledged that removal from the Register had already caused Mr Wood considerable distress because he was passionate about being a veterinary surgeon and that it was part of his identity.

The Committee considered all the positive references from Mr Wood’s friends, family, previous colleagues and a current employer.”

46. Mr Lakha said that as the original decision of the Committee makes plain at paragraph 27, there was never any question about Mr Wood’s professional competence or the conduct of his professional practice. Indeed, the Committee remarked at paragraph 33 on Mr Wood’s “*reputation as an excellent practitioner*” since starting practice on 1 October 2014. This is also remarked upon in all four references from his former colleagues provided to the Committee at the original hearing describing him as a “*a great veterinary surgeon*” and “*a consummate professional*” who “*excelled in surgery*”.

47. Mr Lakha told the Committee that since Mr Wood’s removal from the Register, despite determined efforts, he has not been able, perhaps unsurprisingly, to secure employment in the veterinary sector. However, Mr Wood has not allowed his professional expertise to diminish over the period of his removal and has gone out of his way to complete over 100 hours of Continuing Professional Development (“CPD”) in 2022 and over 100 hours during 2023, including attending the London Vet Show.

Since the Committee's decision he has continued to maintain his professional expertise, as evidenced by the almost 200 hours of CPD he has undertaken.

48. Mr Lakha submitted that the Committee should continue to have no concerns as to his current and continuing professional competence, should Mr Wood be allowed to resume practice.

49. Mr Lakha added that, most significantly for present purposes, was the genuine remorse and shame Mr Wood has repeatedly expressed and demonstrated since his arrest as shown by the following:

a) His pre-sentence report remarked that he appeared to have taken "*full responsibility for his offending*";

b) His counsellor, Aileen George, confirmed that Mr Wood had "*taken responsibility for his behaviours*", "*shows genuine remorse and shame*" and "*never sought to justify, defend or minimise his behaviours*" in her report and reference prepared for the sentencing hearing;

c) The learned sentencing Judge also concluded that Mr Wood's "*remorse for your activity is clear*";

d) Since his removal from the Register, he has sought to make amends, so far as is possible, to his previous colleagues by writing a handwritten apology to them; and

e) The feelings of remorse he expressed in letters to the Committee at the original hearing were repeated in a fresh letter to the tribunal for the purposes of the original restoration application.

50. Mr Lakha said that in ruling on the first application for restoration the Committee accepted, at paragraph 29, that "*Mr Wood was very remorseful.*" Mr Lakha respectfully submitted there is no reason to depart from that finding today.

51. With reference to risk, Mr Lakha said that at the time he was originally sentenced Mr Wood was assessed by the Probation Service as posing a low risk of re-offending and

this was echoed by the Judge. Mr Lakha said this had now been demonstrated to be an accurate assessment in light of there having been no repetition over the last five years. Mr Lakha pointed out that in his original police interview Mr Wood explained that he was not sexually attracted to children and viewed the images as a form of psychological self-harm. That explanation has been confirmed by all three professionals who examined him. Mr Lakha submitted that these unusual reasons for his offending are more readily remediable than the typical offender with an entrenched sexual proclivity for children.

52. Mr Lakha said that the pre-sentence report concluded that with respect to his risk of re-offending, if Mr Wood continued to engage with his therapist and the Probation Service it was *“possible that this risk may decrease.”* Mr Lakha submitted that in the five years since his pre-sentence report was drafted, Mr Wood has engaged with his rehabilitation with remarkable dedication and efficacy. He said that Mr Wood’s counsellor, Aileen George, in an addendum report dated 16 December 2019, confirmed that *“over the course of the further 24 sessions [since her original report] Mr Wood has made considerable progress in addressing the factors that contributed to his porn addiction and subsequent escalation into viewing indecent images of children via the internet. He has engaged fully with therapy, demonstrating a genuine wish to understand what led him to this course of action. He has also shown a strong motivation to ensure he doesn’t offend again.”*

53. Mr Lakha indicated that Ms George has provided a further report on Mr Wood’s progress since the last application, dated 7 March 2023, in which she describes the further therapeutic work she has undertaken with Mr Wood since the original restoration decision. She concludes that:

“Mr Wood has ensured that he hasn’t re-offended (this evidenced by requirements placed on him that the police have been able to check his internet search history). Having understood the underlying issues that drove him to those behaviours, he has worked consistently and intelligently to improve his ability to self-regulate his emotions. There is evidence of sustained, positive change over the past 5 years. I maintain my opinion that his offending was driven by a mental health issue rather than a moral issue. He has expressed strong feelings of disgust, shame and remorse regarding his past behaviours. This would suggest that the behaviours are Ego Dystonic - that they don’t fit with his sexual arousal template or moral code.

He has continued to self-fund his therapy sessions despite having a limited income, demonstrating a strong motivation to address his previous issues.”

54. Mr Lakha said that therapy continues to date, with Mr Wood seeing Ms George on a regular basis. This therapy is voluntary and self-funded and something he has engaged in, he finds it helpful and he intends to continue with that engagement. In addition to the continuing regular counselling with Ms George and completing the Accredited Sexual Offending Programme required by his sentence, Mr Wood has also: self-funded Cognitive Behavioural Therapy (CBT) for himself; attended a voluntary 10 week specialist course to address this type of offending with the Lucy Faithfull Foundation; and, as he set out in his letter to the tribunal, engaged in a great deal of private study on the effects of and causes of his offending.

55. Mr Lakha informed the Committee that Mr Wood’s CBT therapist has expressed his *“belief that with continuing support through people such as myself or others that he is unlikely to return to this activity. I believe in addition he has put measures in place to stop him from looking at pornography on the internet.”* Mr Lakha added that Mr Wood’s progress has also been consistently noted by the police and he referred the Committee to the positive comments made by Police Constable Fibbens, Mr Wood’s Police Offender Manager, who said:

“I have always found Mr Wood engaged well with the process and to my knowledge was open and honest. Mr Wood has never minimised his behaviour or offending. This allowed Mr Wood to identify the areas of concern that lead (sic) to his offending and then to deal with the issues. I would add that since the period of this life when he was offending which was nearly 7 years ago he has made significant changes to his life to prevent any further incidents. During the time I managed Mr Wood I did not have any concerns over his actions or behaviour. I have always noted that the primary focus for Mr Wood has been to get reinstated as a Veterinarian.”

56. PC Fibbens went on to say, *“I would support his application [for restoration to the register] as any employment especially returning to the Veterinary area would move on his rehabilitation as this is his main focus and passion in life.”*

57. The assessment of the professionals and authorities on Mr Wood’s progress and reduced risk are echoed and reinforced, submitted Mr Lakha, by the references of

those who know him best, his parents, close friends and former and current colleagues who all speak of an extraordinary openness and honesty about his offending and the reasons for it and remarkable progress in developing healthy lifestyle choices, growing emotional stability and self-esteem and improving wider mental health. They also attest to the strength of the support network Mr Wood will be able to draw on moving forwards to support his continuing rehabilitation. Finally, they speak about his unshakeable passion for the veterinary profession and caring for animals.

58. Mr Lakha said that in ruling on the original application for restoration, that Committee concluded that it “*was satisfied that Mr Wood had sought to overcome the reasons for his offending behaviour since he had offended.*” Mr Lakha submitted that, particularly in light of recently updated character references and recent addendum reports of Ms George and PC Fibbens, there is no reason to vary this conclusion.
59. Mr Lakha said that paragraph 53 of the Guidance makes plain that removal “*may be appropriate*” in a case such as this but it is by no means automatic or mandatory. He submitted, therefore, that restoration after a period of removal is by no means inconsistent with the spirit of the Guidance.
60. With reference to the principle derived from the case of Fleischmann (*ibid*) Mr Lakha submitted that this should no longer be an impediment to Mr Wood’s returning to practice.
61. Mr Lakha submitted that Mr Wood has confirmed the learned sentencing Judge’s assessment that he posed a low risk of recidivism; he has expressed and demonstrated profound remorse for his actions; and he has continued to proactively seek and develop deeper insight into the causes of, and harms occasioned by, his offending in order to reduce even further his risk of re-offending. He submitted that now Mr Wood has more than satisfactorily completed both his substantive sentence and the ancillary Orders arising from his sentence, there is no need to sacrifice the career of a young but talented professional, who has gone above and beyond what was asked, or could have been expected, of him to atone for and address his offending and again earn good standing in a profession and vocation he loves.
62. Mr Lakha said that his client would be the first to admit he has made a grave error and harmed the reputation of the profession which he deeply regrets. He submitted, however, that in light of the exceptional progress he has made and his unusually strong

mitigation, that he is now more than fit to practise and the reputation of the profession will be maintained if he is restored to the Register.

The Committee's decision

63. The Committee noted that the burden of proof is on Mr Wood to satisfy the Committee, on the balance of probabilities, that he is fit to be restored to the Register. The Committee accepted the advice of the Legal Assessor. It took into account all the material provided, the oral evidence of Mr Wood and the submissions made by the parties.
64. The Committee noted the findings of the Committee that considered the restoration application made by Mr Wood in June 2020 and, whilst in no way bound by those conclusions, noted that the primary reason for not restoring him to the Register at that time had been the ancillary Orders that were still current and the principle in the case of Fleischmann, referred to above. Those orders have now been completed and the principle in the case of Fleischmann, therefore, no longer applies. The Committee took into account and endorsed the positive comments made by the restoration Committee on the last occasion.
65. The Committee noted that Mr Wood was removed from the Register on public interest grounds on the basis that the offences he pleaded guilty to were incompatible with maintaining wider public confidence in the profession. His offending did not relate to his professional practice as a veterinary surgeon, the images were not viewed at work and did not concern animals. The Committee noted that Mr Wood's references make clear his reputation as a competent practitioner, being variously described as "*a great veterinary surgeon*" and a "*consummate professional*" who "*excelled in surgery*".
66. The Committee took into account that, abhorrent as his crimes were, Mr Wood had been punished by the Courts and had served his punishment. It is not the role of the Committee to punish him further, but rather to preserve the integrity of the profession, protect animal welfare and maintain public confidence in veterinary surgeons. Whilst removal from the profession in 2018 was completely understandable and justifiable, the situation today is different and the Committee must be guided by the factors set out in the Disciplinary Committee's Procedure Guidance in exercising its judgement and in deciding if Mr Wood is fit to be restored to the Register. Those factors (as slightly amended in August 2020) are:

- a. Whether the applicant veterinary surgeon has accepted the findings of the Committee at the original inquiry hearing;
- b. The seriousness of those findings;
- c. Whether the applicant veterinary surgeon has demonstrated insight into his or her past conduct;
- d. The protection of the public and the public interest;
- e. The future of the welfare of animals in the event of the Applicant veterinary surgeon being permitted to have his or her name restored to the Register;
- f. The length of time off the Register;
- g. The Applicant veterinary surgeon s conduct since removal from the Register;
- h. Evidence demonstrating the efforts by the Applicant veterinary surgeon to keep up to date in terms of knowledge, skills and developments in practice, since removal from the Register (accepting that he or she must not practise as a veterinary surgeon).

(a) Whether the applicant veterinary surgeon has accepted the findings of the Committee at the original inquiry hearing

67. There was no doubting Mr Wood's acceptance of the findings of the Committee at the original enquiry hearing. He has never suggested otherwise.

(b) The seriousness of those findings

68. At no time has Mr Wood shied away from the seriousness of this case. The Committee agrees that any offending involving indecent images of children is of the utmost seriousness, as reflected by the Sentencing Guidelines that indicate such offending would ordinarily attract a custodial sentence. However, that does not mean that a

person found guilty of such matters could never be restored to the Register. As referred to by the last Committee in June 2020, the Committee did not consider Mr Wood's behaviour to be fundamentally incompatible with being a veterinary surgeon, the impediment at that stage related to the ongoing ancillary Court Orders. The Committee also noted that whilst such offending behaviour would ordinarily attract a custodial sentence, in this case it did not, in light of the extensive mitigation presented by Mr Wood and referred to above.

(c) Whether the applicant veterinary surgeon has demonstrated insight into his or her past conduct

69. The Committee was satisfied that Mr Wood had significant insight into his offending behaviour. He has been proactive in seeking help and counselling (as detailed above) to be able to understand his behaviour and to ensure, as far as is possible, that it will never be repeated.

(d) The protection of the public and the public interest;

70. The Committee noted that at the previous restoration hearing it was accepted that Mr Wood had made significant efforts to rehabilitate himself, but that Committee was not persuaded that he was fit to be restored to the Register largely because ancillary Orders relating to the underlying criminal offences remained in force. Those ancillary Orders have now lapsed and no longer represent an impediment to Mr Wood's return to the Register. It was accepted by the Judge, the Probation Service and the last Committee that Mr Wood was at a low risk of re-offending. This Committee shared that view. Indeed, history supported that view, since in the five years since his sentence there has been no evidence of any repetition. Indeed, there has been evidence to the contrary, since whilst subject to the SHPO, Mr Wood was subject to unannounced visits by the police, who would seize his electronic devices and examine them for evidence of him using the internet to access illegal images. Not only were no such images found, but nor was there any evidence of any access to legal pornographic sites.

71. When asked questions by the Committee, Mr Wood accepted the diagnosis that had been made that he had been addicted to pornography. He said he believed he was no longer addicted and he had not viewed any pornography since these matters came to light. He candidly acknowledged that he could not predict the future and could not therefore say “*no permanently*” and that it would be “*arrogant*” to suggest an addiction would not recur. However, he felt that the steps he had taken and the support he now had in place, which would pick up on any signs of regression, would help prevent a recurrence.

72. The Committee does not consider Mr Wood represents an ongoing risk to the public. The Committee was impressed by the way in which Mr Wood gave evidence, in a reflective, self-effacing way. He answered all the Committee’s questions thoughtfully, with lots of detail, demonstrating analysis and insight.

73. With reference to the public interest, the Committee is satisfied that by serving his criminal sentence and having been removed from the Veterinary Surgeons’ Register for over five years, the public interest has been satisfied. In fact, the Committee was of the view that the public would now be better served by having Mr Wood being able to treat animals again.

(e) The future of the welfare of animals in the event of the Applicant veterinary surgeon being permitted to have his or her name restored to the Register

74. References within Mr Wood’s bundle illustrated his positive character and the fact that when practising he had been a good veterinary surgeon. There has never been any question of animal welfare being compromised.

(f) The length of time off the Register

75. The Committee noted that there had been no further matters brought to the attention of the Police in the time since the conviction in the Crown Court. Clearly, being off the Register for over five years has implications for a veterinary surgeon’s skill levels but the Committee considered the preceding three years in practice would help to compensate to some extent for this gap. When giving evidence to the Committee, Mr Wood outlined his intended approach to returning to work, in the event that he were

allowed to return to the Register. His approach was thoughtful, insightful and sensible. He recognised that a locum position would not be appropriate and said that he would aim to obtain employment within a large practice, where he would have the benefit of other veterinary surgeons to turn to for advice and assistance. Failing that, if working for a smaller practice he would aim to work part-time and use the other days for research and CPD. He said he was much more confident now, as a result of what he had been through and in particular the ongoing counselling he was receiving, and that he would "walk away" from a practice, if he felt he was not getting the necessary level of support.

76. Significantly, Mr Wood satisfied the Committee that he now had a much better understanding of his mental health and the signs of that health deteriorating. As a result he had strategies to deal with any such relapse, by his own actions and with the support of his very close friends and family (as attested to in their references).

77. In his statement provided for this hearing he said:

"In relation to the mental health problems which led to my offending I believe I have developed far beyond the man who committed those vile offences. I have built up my support networks, friends, family, counsellor and gym, so that I always have someone to turn to. I continue to this day to self-fund, despite my limited income, the counselling which is at the foundation of my recovery. I have discussed the issues I had in childhood and in adulthood with friends, family and professionals and found a degree of closure I never thought possible. I have undergone such significant psychological change it would be fair to say I am an entirely different person now. I have absolutely no desire to ever view such material again. For myself, I know it will never happen again."

78. In conclusion, the Committee did not consider the length of time off the Register represented an impediment to his being restored.

(g) The Applicant veterinary surgeon's conduct since removal from the Register:

79. Mr Wood was required to comply with Court Orders and he has done so in exemplary fashion, so much so that the Judge allowed the substantive Order to come to an end in half the time ordered. The Committee accepted the submission that Mr Wood has

managed to remain professionally competent since his removal from the Register by keeping up with his CPD. Since his removal from the Register he has not been able to find employment in the veterinary sector, but has completed over 100 hours CPD in 2022 and over 100 hours CPD in 2023. This is above and beyond the CPD required and furthermore was CPD with reflection, demonstrating that it was not simply a case of ticking boxes, but rather was thoughtful and constructive.

80. In his oral evidence Mr Wood was insightful about his offending behaviour. He talked of self-awareness and was persuasive about how he would conduct himself in future. He had sought (and paid) for counselling and continues to do so, recognising the value of it. It now forms part of his support mechanisms.

81. The Committee was satisfied that Mr Wood had demonstrated exemplary conduct in trying to address his offending behaviour, he had not once deviated from his course to prevent any repetition and had done, in the Committee's view, everything that could possibly have been asked of him.

(h) Evidence demonstrating the efforts by the Applicant veterinary surgeon to keep up to date in terms of knowledge, skills and developments in practice, since removal from the Register (accepting that he or she must not practise as a veterinary surgeon)

82. This has been covered in the previous section under (g).

83. In conclusion, the Committee is satisfied that Mr Wood has done everything required of him in order to be able to satisfy the Committee that he is fit to be restored to the Register. At the last application in June 2020 he was unsuccessful largely because of the outstanding ancillary Orders that did not conclude until early 2023. Those Orders have now concluded. He has shown significant insight into his offending behaviour. He has been proactive in his rehabilitation and taken significant steps to ensure there would be no repetition. He has a small, but strong, network of people around him who appear to genuinely care about him and support him. He has worked hard at maintaining his skills and knowledge, in so far as he has been able to in light of not being able to practise as a veterinary surgeon. He is thoughtful and realistic about his prospects going forward. His responses to questions about addiction were appropriate

and persuasive. He has expressed genuine remorse and there is, in the Committee's view, a public interest in allowing him to be restored to the Register.

84. For all these reasons the application to restore Mr Wood to the Register is accepted.

DISCIPLINARY COMMITTEE

28 September 2023