

ROYAL COLLEGE OF VETERINARY SURGEONS

DISCIPLINARY COMMITTEE

INQUIRY RE:

MISS BETHAN COOK

DECISION OF DISCIPLINARY COMMITTEE

STAGE 2

DISGRACEFUL CONDUCT IN A PROFESSIONAL RESPECT

1. The Committee having found the Facts in the Charges proved at Stage 1 of the hearing, went on to hear submissions on whether the facts proved amounted to disgraceful conduct in a professional respect.

Submissions

2. The College submitted that the conduct found proved or admitted did amount to disgraceful conduct in a professional respect. It was submitted that this had been defined as conduct which fell "*far short*" of that expected of a member of the profession.
3. The College referred the Committee to the RCVS Disciplinary Committee Guidance (Aug 2020) ("the Guidance"). The Committee was also referred to the Code of Professional Conduct for Veterinary Surgeons ("the Code").
4. It was submitted that dishonesty, according to the Guidance, is at the 'top end' of the spectrum of gravity of disgraceful conduct in a professional respect.
5. The College submitted that it aggravated the seriousness of the conduct that it had related directly to the Respondent's professional life. In addition, the College submitted that the Respondent's conduct had breached one of the five fundamental principles of the profession, relating to honesty and integrity. The College referred to section 6.5 of the Code that addresses Professional Responsibilities.
6. The College submitted that it was more serious because the conduct had not been a single, isolated event but had been a series of acts of dishonesty. The College also

submitted that it was serious that the Respondent's conduct had also placed another professional, the Respondent's General Practitioner, at risk by involving him as the alleged author of the falsified documents. It was submitted that the Respondent's conduct had fallen far short of the expected standards and was disgraceful conduct in a professional respect.

7. The Respondent submitted that she fully accepted the Committee's findings at Stage 1. She understood that the conduct found proved struck at the heart of the need to maintain confidence in the veterinary surgeon with clients, colleagues and the profession. She understood that the findings were a serious departure from expected behaviour. The Respondent submitted that her thinking had been affected during the period of her suspension and with the involvement of [REDACTED] and alcohol. She understood that this did not excuse the dishonesty found.
8. The Respondent submitted that she understood the need for regulation and that the public must be able to trust the integrity of the profession. She was ashamed to have put this at risk.
9. The Respondent referred to her previous unblemished career and submitted that she had undertaken significant remediation. She no longer consumes alcohol to any extent, has taken steps to reduce her working hours and has support from her partner. The Respondent submitted that she has reflected extensively, especially concerning matters of honesty, over the time since the events in question.
10. The Respondent submitted that this had been a single episode and there had been no repetition since the events in the charges. She submitted that there had been a significant impairment of her judgement resulting from her isolation [REDACTED] at the time.
11. The Respondent submitted that the events had been humbling and transformative. She submitted that she had appropriate structures in place and there would be no repetition. She took full responsibility and offered her regrets and apologies.

Legal Advice

12. The Legal Assessor advised the Committee that the matter of whether the conduct it had found proved was disgraceful conduct in a professional respect was a matter for its judgement, not involving a burden and standard of proof. The task of the Committee was to judge whether the conduct which had been admitted and/or found proved had fallen so far short of the expected standards to be properly described as disgraceful conduct in a professional respect.
13. The Legal Assessor advised that the description of disgraceful conduct in a professional respect as being conduct which fell "*far short*" of the expected standards had received approval by the court, in *Macleod v RCVS*, as set out in the Guidance. He advised that it was recognised that such misconduct may arise in the course of, and in connection with professional practice. It can also arise in misconduct which is of a morally reprehensible kind which may, or does, bring the profession into disrepute. He advised that whether the appropriate description was met in this case was for the Committee to decide. The Committee was referred to the relevant standards and guidance, in the Code and in the Guidance.

Committee's Decision

14. The Committee took time to consider its factual findings at Stage 1. It considered the submissions made by the parties at this Stage 2 of the hearing. The Committee heard and accepted the advice of the Legal Assessor.
15. The Committee bore in mind that disgraceful conduct in a professional respect is conduct which falls far short of expected standards. It was therefore relevant to consider the expected standards and breaches of fundamental professional principles, as well as the express standards in the Code. The Committee was mindful that not every breach of the Code will amount to disgraceful conduct in a professional respect: the breach must be found to have been a serious breach.
16. The Committee also referred to the Guidance published by the College. The Committee noted that the conduct in this case had all been found to have been misleading and dishonest conduct, and that the Guidance sets out that proven dishonesty has been held to come at the 'top end' of the gravity of disgraceful conduct in a professional respect.
17. The Committee observed that the Guidance states that the Committee must consider any aggravating and mitigating factors at appropriate stages of the determination process. Some factors may be relevant at the stage of deciding whether there had been disgraceful conduct in a professional respect.
18. The Committee noted that the case does not involve allegations of a clinical nature. No harm or risk of harm to an animal was involved. However, the actions did relate to the Respondent's practice as a veterinary professional and were intended for personal gain – that is, to avoid disciplinary proceedings and to return to professional practice with the BHA. Furthermore, the case is centrally concerned with matters of honesty, probity and integrity in the profession. For all these reasons, in the Committee's view, the proven charges amounted to a case of serious dishonesty.
19. In that case, the Committee considered that the following elements of the Code are engaged:

"Principles of Practice:

Veterinary surgeons seek to ensure the health and welfare of animals committed to their care and to fulfil their professional responsibilities, by maintaining five principles of practice:

...

2. Honesty and integrity

...

5. Professional accountability

Professional responsibilities

“6.5 Veterinary surgeons must not engage in any activity or behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession.”

20. The Committee noted the Respondent’s submission that the conduct had involved a single episode. The Committee acknowledged that the conduct had occurred in the context of an otherwise unblemished professional career. However, in its view there had been a series of dishonest actions on the part of the Respondent, sustained over a period of weeks at the end of May and the beginning of June 2024. The Committee considered that the Respondent had several opportunities to reflect between her actions, but had continued in an attempt to sustain a deceit.
21. The Committee was of the view that, if the Respondent’s attempt at deceit had succeeded with BHA, she had risked the involvement of another professional, Dr G W, in the case. This had been made plain to the Respondent by Ms Webb, in the course of the telephone call on 07 June 2024. The Respondent herself had asserted that she did not wish to get Dr G W into trouble, yet she continued to represent that he had authored Letter.docx and the covering email.
22. The Committee also considered that, if the Respondent’s deceit had succeeded, there would have been prejudice to the internal processes of BHA, as well as damage to the profession.
23. The Committee considered charge 1, which concerned the creation of the BC Doctor report and the Respondent causing it to be sent to BHA. The Committee was of the view that this had not been a momentary lapse. The decision to write the letter must have occurred after the Respondent had spoken to her GP surgery and before she created the report on 22 May 2024. Thereafter, the Respondent had sent the document to her representative. The BC Doctor report was a detailed letter and had clearly involved thought and some time in composition.
24. The Committee had rejected the Respondent’s explanation that medication and/or alcohol had deprived her of awareness of creating that document and that she had simply forwarded it, perhaps believing it had been ‘planted’ on her device.
25. The Committee was of the view that creating and forwarding the BC Doctor report had breached the fundamental principles of honesty and integrity expected of the profession. This conduct also risked bringing the profession into disrepute with the public and eroding public confidence in the veterinary profession. The Respondent’s conduct had been misleading and dishonest. The conduct fell far short of what was expected of a veterinary surgeon.
26. Taking into account the Committee’s finding that the Respondent had knowingly created and caused the submission of the BC Doctor report, which conduct had been misleading and dishonest, the Committee determined that this was disgraceful conduct in a professional respect.
27. In its findings as to charge 2, the Committee had found that the Respondent had attempted to sustain the deceit in her telephone call with Ms Webb. It had found that the Respondent had been informed by Mr Ford that BHA had concerns over the BC Doctor report. The Committee considered that the Respondent’s conduct at this point

had been pre-meditated. The Respondent had not taken any of the multiple opportunities open to her to tell Mr Ford or Ms Webb the truth. The Respondent had continued with a further misleading and dishonest act.

28. The Committee decided that this conduct fell far below the expected standards, and further breached the fundamental principles of honesty, integrity and professional accountability. The Committee determined that this was disgraceful conduct in a professional respect.
29. In relation to charge 3, the Committee was particularly concerned that the Respondent had further compounded her misleading and dishonest conduct. She had previously risked Dr G W's position by representing him as providing the BC Doctor report. She had been advised that BHA had concerns over the veracity of the letter in the telephone call on 07 June 2024. The Respondent had gone on to represent Dr G W as the author of the covering email, in spite of this.
30. The Committee considered that there was pre-meditation in the preparation of the email, even allowing for the pressure on the Respondent from Ms Webb regarding the genesis of the report. The Committee considered that this had been a serious effort to perpetuate the falsehood. The conduct breached the relationship of trust between the Respondent and her employer, the BHA. The Respondent's conduct had been misleading and dishonest.
31. The Committee decided that this conduct fell far below the expected standards, and further breached the fundamental principles of honesty, integrity and professional accountability. The Committee determined that this was disgraceful conduct in a professional respect.
32. The Committee found that each of the facts found proved in charges 1, 2, 3 and 4 individually and in combination amounted to disgraceful conduct in a professional respect.