

ROYAL COLLEGE OF VETERINARY SURGEONS
DISCIPLINARY COMMITTEE

INQUIRY RE:

MISS BETHAN COOK

DECISION OF DISCIPLINARY COMMITTEE
STAGE 3: SANCTION

1. The Committee, having found the Respondent guilty of disgraceful conduct in a professional respect, next considered the matter of Sanction in response to its findings.
2. The Committee had regard to its findings of fact and disgraceful conduct in a professional respect. It heard submissions from Ms Stevens on behalf of the College and from the Respondent. The Committee considered again the testimonials provided on behalf of the Respondent and the evidence given by Mr Cowley.

Submissions

3. Ms Stevens informed the Committee that the Respondent has no previous regulatory history recorded by the College. She commended the RCVS Disciplinary Sanctions Guidance to the Committee. Ms Stevens submitted that the matter of Sanction is for the Committee's judgement.
4. The Respondent addressed the Committee in the hearing and subsequently provided a short written statement to the Committee. She submitted that she understood the purposes of regulation and that she recognised that honesty is fundamental to public trust in veterinary professionals. She had practised for more than 20 years without problem. She said that the conduct under consideration had occurred during a two- to three-week period. During this time, the Respondent submitted that she had been [REDACTED] using alcohol. The Respondent submitted that this was not being advanced as an excuse, but an explanation of her behaviour.
5. The Respondent submitted that she had now made fundamental changes to her life. She did not now use alcohol unwisely. She had limited her working commitment to two days per week and prioritised maintenance of her own health. The Respondent had dealt poorly with her stressors in the past, she submitted. She had tried to avoid a

problem in order not to confront issues. Now, the Respondent said, she would seek immediate help.

6. The Respondent submitted that the events had been a single episode at her lowest point and did not represent her core values. She submitted that there was a low risk of repetition and she would in the future act ethically and with transparency. The Respondent submitted that she was deeply sorry for her conduct.
7. Asked about the effect that a sanction would have on her, if it involved being away from practice, the Respondent told the Committee that the impact would be profound. She stated that she had a small and loyal client base, which she was likely to lose. The Respondent said that she would have to leave the profession completely, due to a need to earn money.

Legal Advice

8. The Legal Assessor advised the Committee that, having found disgraceful conduct in a professional respect, and having heard the parties' submissions, the Committee was required to consider, pursuant to Rule 18.2 of the 2004 Procedure Rules, whether to give immediate judgment or to postpone judgment for a period of up to two years. If the Committee postpones, it may do so on appropriate undertakings.
9. The Legal Assessor advised that, if proceeding to immediate judgment, the Committee had a range of potential sanctions. It should be guided by the College's Disciplinary Committee Sanctions Guidance (August 2020) ("the Guidance"). He advised that any sanction must be proportionate. The focus of any sanction was not to punish the veterinary surgeon, but to protect the reputation of the profession. The Committee must balance the interests of the public and their animals with the interests of the Respondent.
10. The Legal Assessor advised the Committee to assess the seriousness of the case and to consider any aggravating and mitigating factors, which it found are relevant. He advised the Committee to approach its Sanction direction starting with the least restriction and moving upward, in order of seriousness. He set out the available sanctions.
11. The Legal Assessor drew the Committee's attention to the Guidance which states that dishonesty is a serious matter. He also referred the Committee to the case of *Sawati v GMC* [2022] EWHC 283 (Admin) in light of the Committee's rejection of the Respondent's defence. He advised that careful consideration should be given, if anything was taken from the rejected defence, as it was acknowledged that a professional has a right to defend allegations.
12. The Committee was also referred to *Simawi v GMC* [2020] EWHC 2168 (Admin) and the review by the court of factors concerning seriousness in dishonesty cases. He also advised that it was acknowledged that there is a spectrum of seriousness in dishonesty cases, and the Committee needed to engage with the level of seriousness, per *GMC v Armstrong* [2021] EWHC 1658 (Admin).

Committee's Decision on Sanction

13. The Committee took time to consider the matter of any sanction. It bore in mind the need for an outcome which was proportionate, balancing the interests of the Respondent with the reputation of the profession and the wider public interest.
14. The Committee paid close attention to the Guidance. It had in mind that the public interest in the context of disciplinary proceedings is set out in the Guidance as having three elements:
 - protection and promotion of the health and welfare of animals and the protection of public health;
 - promotion and maintenance of public confidence in the veterinary profession;
 - promotion and maintenance of proper professional standards and conduct in the veterinary profession.

The Committee was aware that its decision on the outcome of the proceedings must be in accordance with the pursuit of those elements.

15. The Committee considered the factors which aggravated or mitigated the Respondent's conduct. The case did not concern the Respondent's treatment of animals. The central issue in the Committee's findings of disgraceful conduct in a professional respect was lack of the Respondent's honesty and integrity in responding to her employment disciplinary process.
16. In terms of factors aggravating the seriousness of the case, the Committee considered that the Respondent had been reckless towards the potential impact on a fellow professional, Dr G W. The Committee considered that there had been premeditated conduct in the Respondent's actions in relation to charges 2 and 3. It considered that the Respondent's actions had breached the trust placed in her by the BHA, as part of the employment contract. The disgraceful conduct had been a sustained matter: the Respondent had created and forwarded the BC Doctor report, had continued her dishonest conduct in the phone call on 07 June 2024 and on 10 June 2024, by creating and sending Letter.docx and the covering email.
17. The Committee noted, as mitigation, that the Respondent had no previous regulatory history over a long career. She had apologised for her conduct to the Committee and had admitted the factual allegations, bar dishonesty. The Committee considered that the Respondent's conduct had not been for direct financial gain: however, her purpose had been to achieve a return to practice, by either avoiding an internal disciplinary process, or minimising its outcome.
18. The Committee was concerned that, if the Respondent had succeeded and the correspondence had been accepted by the BHA, there would have been prejudice to the internal disciplinary processes and the potential for the Respondent to resume practice when this may not have been appropriate. There would also possibly have been ramifications for the Respondent's GP, in terms of questions to him over his apparent involvement outside of his professional boundaries.
19. The Committee acknowledged that the Respondent relied on an episode of stress, isolation and the effects of [REDACTED] having consumed alcohol, offered as an explanation though not an excuse for her conduct. [REDACTED]

[REDACTED] The Committee did accept, however, that the Respondent had been subject to stress in the workplace, noting that Mr Cowley had also given evidence which tended to support this.

20. The Committee took into account that the Respondent had provided a number of testimonials as to her character. She had called Mr Cowley to give character evidence on her behalf. However, the Committee gave limited weight to these in assessing the seriousness of the Respondent's dishonest conduct. The written testimonials did not state that the writers had given their references in the knowledge of the case or the charges, nor that they were aware of the Respondent's admissions. However, they did speak to the value placed on her professional services. Mr Cowley also had not been aware of the detailed charges and the Respondent's admissions, prior to attending the hearing.
21. The Committee took into account that the Respondent had professed development of insight into her conduct. She said that she had reflected on the matters extensively and had taken steps to reduce any risk of repetition. However, other than the Respondent's assertions, the Committee had been provided with little corroborating evidence of the Respondent having undertaken detailed reflections and remediation. There was no independent confirmation of the steps that the Respondent had taken. The Committee's conclusion was that the Respondent displayed only limited, recently-developed insight and the Committee was not persuaded that the risk of repetition was low, as the Respondent had maintained.
22. The Committee noted that the Respondent had denied having acted dishonestly. The Committee acknowledged her right to defend a case, and that the assessment of dishonest conduct is, according to the case law, ultimately a matter for the fact-finder's assessment. The Committee had not accepted the Respondent's explanations for her actions and had found her to have acted with knowledge and dishonestly. The Committee did not count the Respondent's rejected defence as aggravating the seriousness of the case.
23. The Committee was aware that cases of proven dishonesty are at the 'top end' of a spectrum of gravity of disgraceful conduct in a professional respect (Guidance, paragraph 77). It accepted that the courts have deemed that dishonesty by a professional is a serious matter. It also took into account that it is acknowledged that, even in cases of dishonesty, there is a spectrum of seriousness of dishonesty and it should make its own assessment.
24. The Committee's assessment in this case was that, whilst the original creation and forwarding of the BC Doctor Report was a seriously dishonest act, committed entirely for personal benefit, the Respondent's dishonesty had been exacerbated by her actions in attempting to sustain the deceit, in the subsequent telephone call with Ms Webb and by carrying on to create and send Letter.docx and the covering email. In addition to breaching the trust of her employer through these actions, the Respondent repeatedly risked the reputation of a fellow professional, despite that risk having been highlighted to her by Ms Webb and despite the Respondent saying repeatedly that

“she didn’t want to get Dr G W in trouble”. Finally, the Committee found that the Respondent had multiple opportunities for reflection.

25. The Committee was of the view that the Respondent’s conduct struck at fundamental tenets of honesty and integrity as well as professional accountability for veterinary surgeons. It decided that the Respondent’s disgraceful conduct in a professional respect was at the higher end of seriousness in the spectrum of dishonest conduct.
26. The Committee took into account that the Respondent had said that the effect of a sanction may be that she would have to leave the profession, and there would therefore be a professional and/or financial loss to her. It also took into account that there were no concerns about the Respondent’s professional clinical abilities. The Committee was mindful of the judgement in *Bijl v GMC* [2001] UKPC 42, that the purpose of a finding is not to satisfy a demand for blame and punishment. However, the Committee also took account of the judgment in *Bolton v Law Society* [1994] WLR 512 CA, that the reputation of the profession is more important than the fortunes of the individual member, and the personal consequences may carry less weight.
27. The Committee considered the available outcomes, in the order set out in the Guidance. It decided that it was neither sufficient nor appropriate to take No Action in this case. The Committee had found that this was a serious case of dishonesty and it was not satisfied as to the Respondent’s development of full insight. The Committee determined that it would be contrary to the interests of maintaining public confidence in the profession and upholding professional standards to take no action.
28. The Committee next considered whether to postpone its judgment. It was aware that judgment may be postponed for up to two years and the Committee may accept undertakings in support of a postponement.
29. The Committee considered, however, that this was not a case which was suitable for postponement for a number of reasons. The Committee had made findings as to serious dishonesty by the Respondent, which gave rise to the need for a response to maintain public confidence in the profession and to uphold proper professional standards. In addition, the Committee did not consider that there was a need to allow the Respondent a period to demonstrate a return to health or development of her practice. The Committee was mindful that there was no suggestion of a lack of clinical competence. [REDACTED] issues which required time to resolve or to be monitored by the Committee.
30. The Committee considered the sanction of reprimand or warning. It took into account that the Guidance, at paragraph 67, states that this might be appropriate if “*the disgraceful conduct in a professional respect ...is at the lower end of the spectrum of gravity for such cases*”. Whilst there was no risk to animals in this case, the Committee did find that there was a prejudice to the wider public interest, should the case end with a reprimand or warning and the Respondent be allowed to resume her practice. The Committee had also found that the Respondent had not provided sufficient evidence of having either developed full insight into her conduct or having effectively remediated.

31. The Committee noted that, according to the Guidance, at paragraph 68, *“suspension has a deterrent effect and can be used to send a signal to the veterinary surgeon, the profession and the public about what is regarded as disgraceful conduct in a professional respect”*.
32. According to paragraph 71, suspension may be appropriate in cases where:
- “a) The misconduct is serious, but a lesser sanction is inappropriate and the conduct in question falls short of being fundamentally incompatible with remaining on the register;*
 - b) The respondent veterinary surgeon has insight into the seriousness of the misconduct and there is no significant risk of repeat behaviour;*
 - c) The respondent veterinary surgeon is fit to return to practice (after the period of suspension).”*
33. In this case, however, the Committee had found that the Respondent had failed to demonstrate full insight into her conduct. In addition, however, the Committee decided that the seriousness of the sustained and repeated dishonesty was a significant factor, which indicated that suspension may not be sufficient.
34. The Committee considered paragraph 77 of the Guidance. This sets out that a veterinary surgeon’s behaviour may be fundamentally incompatible with being a veterinary surgeon where there has been:
- “a. Serious departure from professional standards as set out in the RCVS Code of Professional Conduct for Veterinary Surgeons;*
 - b. Deliberate or reckless disregard for the professional standards as set out in the RCVS Code;*
 - ...
 - g. Dishonesty (including false certification), particularly where persistent or concealed;*
 - ..
 - Persistent lack of insight into the seriousness of their actions or the consequences; where the nature and gravity of findings are such that a lesser sanction would lack deterrent effect or would undermine public confidence in the profession or the regulatory process.”*
35. In this case, the Committee considered that there had been a sustained, serious departure from fundamental principles of honesty and integrity. The Committee had found that the Respondent had acted knowingly, in creating and providing the documents in question. She had not caused harm, or a risk of harm to animals, but the Respondent had undermined the trust and confidence between herself and her longtime employer, the BHA. The Respondent’s dishonesty had been persistent over the episode spanning the charges, and she had attempted to reinforce the authenticity of the BC Doctor report by sending Letter.docx and its purported source email and her own cover email. The Respondent had placed her own interests, in seeking to avoid or influence the employment disciplinary process, above the principles of honesty, integrity and professional accountability.

36. The Committee concluded that, in all the circumstances, the Respondent's disgraceful conduct in a professional respect was so serious that it was fundamentally incompatible with continued registration. The Committee decided that no lesser sanction than removal was sufficient to maintain public confidence in the profession as a whole, or to uphold proper professional standards.
37. The Committee directs that the Respondent's name be removed from the register of veterinary surgeons.