ROYAL COLLEGE OF VETERINARY SURGEONS

DISCIPLINARY COMMITTEE INQUIRY RE:

DR ANDREW RUTHERFORD MRCVS

DECISION OF DISCIPLINARY COMMITTEE

Preliminary Matters

Apparent Bias

1. A member of the Committee realised that they had graduated at the same time and from the same place at Dr Rutherford. The Committee has considered the Legal Assessor's advice and applied the test in *Porter v Magill*. The Committee is satisfied that the fact that a Committee member and the Respondent graduated in the same year does not, without more, give rise to a real possibility of bias. The Committee member has confirmed that they do not know the Respondent and has no prior dealings with them. The Committee is therefore satisfied that it can continue to hear this case fairly and impartially.

Privacy regarding health information

2. The Respondent made an application for health matters to be heard in private. This was not objected to on behalf of the College. The Committee accepted the advice of the Legal Assessor and determined that the principle of open justice which enabled the public to know how those veterinary surgeons who serve them are regulated was important. This transparency and public confidence needs to be balanced with the Respondent's right to a private life. Rule 21 does allow the Committee to sit in private "where it considers it just and reasonable to do so." The Committee determined that it would hear health information in private to respect the Respondent's human rights but that other information would be heard in public to acknowledge the public interest in transparency.

Summary of Facts

3. The Respondent Dr Andrew Rutherford is a registered veterinary surgeon.

4. The case brought by the College related to the Respondent's alleged fraudulent conduct between January and December 2019 when he used the Farm Gate Vets' ("the Practice") funds for personal gain and in doing so procured an advantage from his company of £8,495.77. It is alleged that he did so while he was a one third shareholder and director of the Practice and in possession of a business credit card for the Practice, which he used multiple times to make purchases for himself.

5. The Respondent disguised his fraudulent conduct by creating false invoice which purported to be for items which the Practice required. He would provide these false invoices to the Practice Manager (Carol Curwen). She in turn, without appreciating that these were false, used them for the Practice's accounts.

6. When the Practice discovered what had happened, it took disciplinary action but allowed the Respondent to continue to work with them. He voluntarily stood down as a director prior to the internal disciplinary meeting. The Directors took the decision not to report the matter to the College or the Police. It came to the attention of the College some time later, when during a veterinary event in 2023, the Respondent told another veterinary surgeon what he had done.

7. His actions are alleged to be dishonest and the conduct objectively disgraceful.

8. The College brought the following Charges against the Respondent:

That, being registered in the Register of Veterinary Surgeons, and whilst in practice at Farm Gate Vets ("the Practice"), you:

1. Between 1 January 2019 and 31 December 2019 made purchases using the Practice's funds which purported to be for the Practice but were for personal use and/or not for the Practice, more specifically:

a. On or around 26 February 2019, purchased Calcium Propionate for £125;

b. On or around 13 March 2019, purchased timber, limestone, sand and/or plywood for £134.92;

c. On or around 1 April 2019, purchased an item or items from "Sheet Plastics" for £571.60;

d. On or around 28 May 2019, purchased Aluminum for £139.99;

e. On or around 14 June 2019, purchased an iPhone for £233.99;

f. On or around 7 October 2019, purchased timber for £55.28;

g. On or around 16 October 2019, purchased trees and oblique or shrubs for £109.99;

h. items other than the above, to a total purchase amount (excluding the above) of approximately £7,125;

2. your conduct in relation to matters in 1(a) to (h) was dishonest;

AND that in relation to the matters set out above, whether individually or in any combination, you are guilty of disgraceful conduct in a professional respect.

Fraudulent conduct underlying charges 1(a) to 1(g)

9. A witness statement from the Practice Manager Ms Carol Curwen had indicated that she noted an unusual feature of a purchase made by the Respondent and this led her to investigate further. An invoice did not list the wholesale supplier for boots that the Practice regularly used. The Respondent indicated that the usual company did not have the colour required but enquiries revealed that the purchase was in fact for garden items. Ms Curwen made further enquiries and discovered that a further invoice purporting to be for the Practice had in fact been for private building materials. She discovered the fraud and approached the Respondent. Subsequent investigation showed further non-Practice transactions on the Practice credit-card throughout 2019. Ms Curwen gave the Respondent two weeks to approach his co-directors and owners. When he failed to take this opportunity, she reported her concerns to them herself in January 2020.

10. On 14 February 2020, the co-directors and co-owners held a disciplinary meeting with the Respondent. The Practice Manager and an HR Advisor were also present. The Respondent admitted his wrongdoing and apologised providing an insight into his financial and personal circumstances at the time of the fraud. He said this had impacted his decision making and characterised what he had done as a terrible "mistake". He was allowed to continue working as an employee of the Practice and given a "first and final warning."

RCVS discovery of the conduct

11. On 21 June 2023, another veterinary surgeon, Dr Emmie Bland was attending a veterinary course at a farm in Somerset and spoke to the Respondent. He told her about the events he had been involved with at the Practice. She was taken aback and reported them to the RCVS, who wrote to the Respondent on 18 October 2023.

12. On 29 November 2023, the Respondent replied in the following manner:

"I can confirm that in 2019, whilst a director at [the Practice], I used my company credit card to obtain substantial funds which I then used for personal expenditure...

I deeply regret what I did and I recognize that my actions and behaviour will be concerning for those who do not know the reasons behind what went wrong. I can also see how my actions could undermine public confidence in the profession and have wider impacts."

13. On 2 November 2020, in another letter to the College in which he acknowledged:

"None of these statements are easy to read. They rightly emphasise the extent of fraudulent behaviour… They do not capture the hurt I caused…"

Admissions

14. At the start of the hearing, the Charges having been put to the Respondent, he admitted the factual charges 1a-1h. In addition, the Respondent admitted that his conduct, in relation to each of those charges had been dishonest, as set out in charge 2.

Decision

15. The Legal Assessor advised the Committee that admitted facts could be found proved in accordance with Rule 23.5 of the Royal College of Veterinary Surgeons Disciplinary Committee (Procedure and Evidence) Rules 2003 ("the Rules"). The Committee accepted the Respondent's admissions as to fact made, and dispensed with further proof of them.

16. The Chair announced facts 1a-1h and 2 found proved by virtue of the Respondent's admissions.

17. 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

18. The College submitted that the conduct found admitted and found proved did amount to disgraceful conduct in a professional respect. It was submitted that this had been

defined as conduct which was reprehensible for a professional person, bringing disgrace upon the profession, and “falls far short” of what is expected and required.

19. 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”).

20. 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.

21. 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.

22. 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 could have placed other professionals at the Practice in difficulties, had the Practice tried to reclaim VAT for purchases that were fictitious. Accordingly, it placed the Practice at risk by involving it in his fraud.

23. Additionally, it was submitted that the dishonesty was a breach of trust with regards to his Practice and colleagues, where he was a trusted member of the Practice as a co-owner and co-director. The conduct was repeated, sophisticated, and premeditated. It took place over a lengthy period of time and it resulted in significant financial gain. His conduct had the potential to undermine public trust in the profession.

24. It was submitted that the Respondent’s conduct had fallen far short of the expected standards and was disgraceful conduct in a professional respect.

25. On behalf of the Respondent, it was submitted that the Respondent accepted that his conduct had fallen far short of the expected standards and was disgraceful conduct in a professional respect.

Legal Advice

26. 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 found proved had

fallen so far short of the expected standards to be properly described as disgraceful conduct in a professional respect.

27. 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. She 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. She 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

28. 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.

29. 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.

30. The Committee also referred to the Guidance published by the College. The Committee noted that the conduct in this case had all been admitted and found to have been 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.

31. 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, but only in a limited respect in terms of whether his conduct was out of character, and personal mitigation will be for the next stage of Sanction.

32. 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 obtain a financial advantage. This was a deliberate campaign and the Respondent had abused his fiduciary position as a co-director who was trusted with a

Practice credit card. 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.

33. 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*."

34. The Committee view was that there had been a series of dishonest actions on the part of the Respondent, sustained over a period of months. The Committee considered that the Respondent had been given an opportunity to reflect on his actions by the Practice Manager when she went on holiday for two weeks in December 2019, but he had not admitted his wrongdoing to his co-owners and co-directors at this time.

35. The Committee was of the view that, if the Respondent's attempt at deceit had succeeded, he had risked the involvement of other professionals, in this case, where wrongdoing in relation to VAT being reclaimed could have occurred.

36. The Committee also considered that, if the Respondent's deceit had succeeded, there would have been potential prejudice to the Practice and its reputation, as well as damage to the profession.

37. The Committee considered charge 1, which concerned the purchases and false invoices to hide fraudulent use of the Practice credit card. The Committee was of the view that this had not been a momentary lapse. The decision to use the Practice credit card, and thereafter to create false invoices to hide his tracks, had clearly involved thought and time in composition.

38. The Committee was of the view that using the Practice credit card for personal purchases and creating false invoices to cover his tracks 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 dishonest. The conduct fell far short of what was expected of a veterinary surgeon.

39. The Committee had found that the Respondent had deliberately misused the Practice credit card and had attempted to sustain the deceit in producing false invoices. This dishonest conduct had been pre-meditated and continued for months. The false invoices compounded the dishonesty of using the Practice credit card for his personal use. The Respondent had not taken the opportunity to be open with his co-directors when offered this and left the Practice Manager the task of doing so.

40. The Committee decided that the conduct fell far below the expected standards, and further breached the fundamental principles of honesty, integrity and professional accountability. There was intentional and calculated misappropriation of Practice funds with a deliberate attempt to cover his wrongdoing. The Committee determined that this was disgraceful conduct in a professional respect.

41. The Committee found that each of the facts found proved as set out in charges 1 and 2 both individually and in combination amounted to disgraceful conduct in a professional respect.

42. 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.

43. The Committee had regard to its findings of fact and disgraceful conduct in a professional respect. It heard evidence from the Respondent, and from three character witnesses on his behalf, along with submissions from Ms Curtis on behalf of the College and from Mr Ian Procter on behalf of the Respondent. The Committee considered additionally, the testimonials provided on behalf of the Respondent and his reflections.

44. Ms Curtis informed the Committee that the Respondent has a previous regulatory history recorded by the College. In June 2022 the Respondent was found guilty of disgraceful conduct in a professional respect, and he was suspended for one month from the Register, in a matter that related to two instances over two days in September 2019, when he allowed a letter to be written claiming that a colleague who was approved to assess animal mobility had carried out the assessment which enabled cattle on a farm to remain within an approved scheme, when this had not in fact occurred. Other veterinary professionals appeared before the College and each was suspended for one month.

45. The Respondent had provided a written statement but also made himself available to provide further information orally, and answer Committee questions, under affirmation. He said that he had made a "mistake", [redacted] He said he lacked insight into how poorly he was coping at the time and placed emphasis on this being provided as explanation rather than an excuse. He said that he has since sought help and that would continue to do so in the future when he is in need. He stressed his commitment to the profession and said he would like to be seen as trustworthy.

46. The College cross examined the Respondent who explained that the purchase of goods was only done so as to return the goods, and get a financial refund to his personal account, rather than requiring the goods themselves.

47. In response to Committee questions, the Respondent explained how he came to the conclusion that he was ill in 2019. He said that he was only just managing and did not have self-awareness of how fragile he was until someone had pointed that out to him. [redacted] He is now aware of the healthcare professionals who can provide support and is more open with family and friends, with medication assisting with the "brain-fog" he previously suffered from.

48. He said that counselling had provided insights into his behaviour, and what his thoughts and emotions were. He said that shame and fear were things he previously suffered from and hid but that he knew how to express and manage his feelings now. He said that if he were to again find himself in a state of stress, his business colleagues would help because he has a good relationship with them and he knows that he could ask for help now. He said that he has had a positive experience of asking for help from

others, and that by being able to open up and acknowledge what he had done, he hopes that he is able to help others.

49. When asked about the potential impact of the consequences of his wrongdoing not being uncovered early, he accepted there could have been serious repercussions for the Practice and the wider profession. [redacted] He confirmed that he remains the sole breadwinner in his family at this time. He said that not being able to work as a veterinary surgeon would have a [redacted]

50. Mr Ben Hartley gave evidence under affirmation. He was a long-standing client of the Respondent who he sees each week; Mr Hartley's family has a dairy farm. He had previously signed a letter dated 31st May 2026 commending the Respondent. He said that he has found the Respondent to be a moral and upstanding person who is honest in his business dealings. He said that he has many examples of the Respondent's actions evidencing such integrity that he could talk about. He said that an instance of this was being candid about his history in this case. He said that he was aware of the matter being pursued by the College and he knew that the Respondent had misused funds from his last Practice but that this issue had been resolved insofar as they were concerned as the monies had in effect been repaid. He said that the Respondent was transparent in declaring pricing schedules and what was acceptable and had been equally clear and open about personal matters.

51. Mr Graeme Surtees, an Agricultural Consultant in the dairy industry who is in a current business partnership with the Respondent, gave evidence under affirmation. He said that the Respondent was someone he considered to be fully transparent. He gave by way of example the Respondent's candour in explaining why he had stopped working at his previous Practice. He explained that the Respondent had told him that he had taken company funds from the Practice when he had been a director. He said that over the last three to four years the Respondent had provided personal information that he could have hidden and was fully involved in all financial dealings within the business and was trusted.

52. The Reverend Frank Parr was also called on behalf of the Respondent to give evidence about the Respondent's character. He had written a letter on behalf of the Respondent and confirmed that he was aware of the charges that the Respondent was facing. He explained that the Respondent had told him that he had misappropriated his previous Practice's fund and used them for his own purposes. [redacted]

[redacted]

Submissions

53. Ms Curtis commended the RCVS Disciplinary Sanctions Guidance to the Committee. She submitted that the matter of Sanction is for the Committee's judgement.

54. Mr Ian Procter's submissions centered on the Respondent recognising the seriousness of his wrongdoing [redacted] He stressed that these submissions were not intended to diminish what happened but nevertheless make clear that the public and the customers of the Practice were not involved in the Respondent's fraud. He submitted that it was an important feature of this case that the events complained of began some seven years ago. Further, that they were thoroughly investigated by the Practice's partners and as the concerned parties, their reaction at the time is a feature that the Committee should consider.

55. He said that the two directors had set out in detail why they took the approach they had. He read extensively from the witness statements of Mr McKinstry and Dr Stott (the directors at the Practice) who described how the Respondent had worked for the Practice between 2013 and 2020, initially as a veterinary assistant in 2013, becoming a director in 2016. The existing directors thought him a good fit, given his knowledge and excellent clinical and communication skills. They described the unveiling of the Respondent's wrongdoing as something that "shocked" them.

56. Mr Ian Procter invited the Committee to appreciate that his previous partners had known the Respondent for some seven years [redacted]

57. His partners agreed not only to give him a warning at the time, but to offer him an employment contract as an assistant subject to his agreement to engage with professional help funded by the company that would be paid back at a later date when his financial position was more stable. He was told that specialist psychotherapy

support had been identified and he would be contacted shortly to arrange a meeting. He was allowed to continue to work at the Practice as a veterinary surgeon until the 6th of July 2020 when he resigned, because he felt the "need to distance myself from the business so I can fully come to terms of the severity of what I did". When asked by the College whether the matter had been reported to the police and if not, why not, they explained in a letter that [redacted]*. We concluded that although his actions were incompatible with him remaining as a director, it would assist his recovery if he retained his job as a veterinary surgeon with the routine and income which it provided. We did not believe there was any risk to our clients or the animals under his care. "We carefully considered all possible courses of action including whether to involve the police. Given his immediate admissions* [redacted] *and the remedial action that he had already taken, such as the reassurance he would repay the money and engaging with counselling, we did not see how a prosecution would be in anybody's interest.* [redacted]

58. Mr Ian Procter submitted that the monies were repaid, as part of the process of the Respondent's final payout from the company for his shares. [redacted] He submitted that the compassion that those who had lost monies exercised should influence the Committee. He submitted that his reaction when confronted with his misconduct by his partners, was total admission, candid explanation and with no attempt to deny anything. Having given a full and frank account of everything, engaged with the medical profession and availed himself of all the support possible when no active involvement of the College was underway, he has made a good recovery. There has been no repeat behavior and no reason to question his professional conduct in the six and a half years since. Accordingly, he invited the Committee to sanction in as light a touch as it deemed possible.

Legal Advice

59. 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.

60. 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"). She 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.

61. 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. She advised the Committee to approach its Sanction direction starting with the least restriction and moving upward, in order of seriousness. She set out the available sanctions.

62. The Legal Assessor drew the Committee's attention to the Guidance which states that dishonesty is a serious matter.

63. The Committee was referred to *Simawi v GMC* [2020] EWHC 2168 (Admin) and the review by the court of factors concerning seriousness in dishonesty cases. She 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).

<u>Committee's Decision on Sanction</u>

64. 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.

65. 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.

66. The Committee considered the factors which aggravated or mitigated the Respondent's conduct. The case is not one which concerns the Respondent's

treatment of animals. The central issue in the Committee's findings of disgraceful conduct in a professional respect was the Respondent's lack of honesty and integrity.

67. In terms of factors aggravating the seriousness of the case, the Committee considered that the Respondent had been reckless towards the potential impact on fellow professionals and the reputation of the Practice. The Committee considered that there had been premeditated conduct in the Respondent's actions. It considered that the Respondent's actions had breached the trust placed in him by the Practice. The disgraceful conduct had been a sustained matter: the Respondent had misused the credit card across a number of months and created false invoices to cover his tracks. This was conduct undertaken for financial gain. The Committee noted, that the Respondent does have a previous regulatory matter for dishonesty but that it is distinct in character from this case, given that this case involves financial gain. Furthermore, the two matters occurred over the same time period.

68. The Committee noted, as mitigation, that the Respondent has apologised for his behaviour and had admitted the factual allegations. The Committee considered that the Respondent had made frank admissions to his fellow Directors and the College during their investigation, that he had remediated by undertaking psychotherapy and counselling, and repaid his debt. The Committee noted that there had been a significant lapse of time without further breach of the Code and that the Respondent had demonstrated insight via personal reflection, acknowledging the potential of serious concern to public confidence.

69. The Committee was concerned that, if the Respondent had not had his fraudulent behaviour discovered, there could have been adverse consequences for the Practice and potentially suspicion fallen upon others at the Practice. Such prejudice could also possibly have had ramifications for the Practice Manager, in terms apparent involvement in fraudulent VAT transactions.

70. [redacted]

71. The Committee took into account that the Respondent had provided a number of testimonials as to his character, indicating that this was out of character for him. Further, they did speak to the value placed on his professional services.

72. The Committee took into account that the Respondent had professed development of insight into his conduct. He said that he had reflected on the matters extensively and had taken steps to reduce any risk of repetition.

73. 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.

74. The Committee’s assessment in this case was that, whilst the misuse of the Practice credit card was entirely for personal benefit, the Respondent’s dishonesty had been exacerbated by his actions in attempting to sustain the deceit, in the subsequent creation of false invoices and untruths to the Practice Manager. In addition to breaching the trust of his co-Directors through these actions, the Respondent repeatedly risked the reputation of his fellow professionals and the Practice. Finally, the Committee found that the Respondent had not taken the opportunity for reflection and admission to his co-Directors when offered by the Practice Manager in late 2019.

75. 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 but that there was strong mitigation that existed at the time.

76. The Committee took into account that the Respondent had said that the effect of a sanction of suspension or removal from the Register would be financial loss which would impact his wider family and not just him. 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.

77. 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. 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.

78. 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.

79. 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, [redacted]

80. 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 continue his practice. The Committee noted that the Respondent had indicated what not being able to practise as a veterinary surgeon at all would mean to his family and himself.

81. 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".*

82. 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)."

83. In this case, the Committee had found that the Respondent has demonstrated insight, was comfortable in discussing his past financial irregularities, to the extent of sharing his experiences with strangers. The Respondent has acknowledged the seriousness of the sustained and repeated dishonesty was a significant factor, which indicated that suspension is the appropriate sanction. Financial misconduct over the best part of a year is only partially mitigated by the Respondent's [redacted] given that he apparently continued working as an otherwise competent veterinary surgeon during 2019.

84. 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."

85. In this case, the Committee considered that there had been a sustained, serious departure from fundamental principles of honesty and integrity, given that the Respondent had acted knowingly, in using the Practice credit card, and creating and providing false invoices. While this case does not involve causing harm, or a risk of harm to animals, the Respondent had betrayed his position of trust as a director at the Practice with fraudulent use of a Practice credit card. The Respondent's dishonesty had been persistent over the episode spanning the charges, and he had attempted to reinforce the authenticity of the purchases by falsifying invoices. The Respondent had placed his own interests, in seeking to gain funds, above the principles of honesty, integrity and professional accountability. However, the Committee noted that there was substantial mitigation in terms of the Respondent's [redacted] and his insight and remediation keep this in suspension territory. For these reasons, the Committee having considered removal from the register, determined that suspension was the appropriate sanction.

86. In considering the period of suspension, the extensive mitigation and the insight demonstrated by the Respondent, with no great risk of repetition of events given the salutary lesson that these proceedings have provided, has been taken into account by the Committee. The Committee concluded that, in all the circumstances, the Respondent's disgraceful conduct in a professional respect was not so serious that it was fundamentally incompatible with continued registration. The Committee decided that the sanction of suspension was sufficient to maintain public confidence in the profession as a whole, and to uphold proper professional standards. Without the mitigation available, a much longer period of suspension would have been considered appropriate and proportionate. The Committee has determined that following a period of suspension that the Respondent is safe to return to practice.

87. The Committee directs that the Respondent be suspended from the register of veterinary surgeons for the period of one month.

DISCIPLINARY COMMITTEE
11 JUNE 2026