

**IN THE ROYAL COLLEGE OF VETERINARY SURGEONS**

**DISCIPLINARY COMMITTEE**

**INQUIRY RE:**

**GEMMA LOUISE COLE RVN**

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**DECISION ON COMMITTEE ON LATE  
ADMISSION OF EVIDENCE**

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1. This Decision deals with the College's application that the witness evidence and documents contained in Divider 6 of the Hearing Bundle be admitted in evidence notwithstanding that they were not included in the Hearing Bundle served on the Respondent on 23 January 2025.
2. The College asserts that reason for the omission is that the Police had not provided this documentation to the College by that date. The Divider 6 documentation only arrived with the College in early February 2025. The College then served that new documentation on the Respondent on 17 February 2025. Accordingly the Respondent has been in possession of the Divider 6 documentation for 10 days.
3. The College's application is made in order to provide the Committee with additional information concerning the conduct of the Respondent which was presented to the Court which, following her Guilty plea to the offence of Fraud by abuse of position, passed sentence on her on 29 August 2024. Accordingly this Police documentation was served on her before she appeared to be sentenced and was before the sentencing Judge when he resolved what would be the appropriate criminal sanction to impose on her having regard to her misconduct as set out in these witness statements.
4. The powers of the Committee in relation to this application are to be found in the Veterinary Surgeons Procedure and Evidence Rules 2004. Rule 7.1 states that the College should serve its evidence on the Respondent not less than 21 days before the date fixed for the Inquiry. However Rule 7.2 provides that where, after service of its evidence in accordance with Rule 7.1, the College acquires or identifies additional evidence relevant to the Inquiry or identifies additional witnesses whom it wishes to call in support of the disciplinary case against the Respondent, the College's solicitor

shall forthwith send to the Respondent a copy of the additional evidence and a witness statement for each additional witness and an amended witness list.

5. There is a further power to admit further evidence which is to be found in Rule 23.1. that allows the Committee to receive such documentary evidence as it considers is relevant to the hearing of the Inquiry. Finally Rule 14.1 permits the Committee to allow such further evidence as it considers appropriate in all the circumstances.
6. Accordingly, there is a power to admit late acquired witness evidence so long as the College has served it on the Respondent without delay and if the evidence is considered relevant.
7. As to that the College states that it acquired this additional evidence from the Police on Thursday 13 February 2025, having requested these witness statements on 14 January 2025 following receipt of the Transcript of the sentencing hearing before the Recorder at Lewes Crown Court. It contends that it then acted promptly by serving it on the Respondent on Monday 17 February 2025, one full working day later.
8. The Committee also has a supplementary power, granted to it by Rule 14.1, to allow such further evidence and give such further directions as it considers appropriate in all the circumstances.
9. The approach the Committee adopted when deciding this issue was as follows:
  1. First, it considered whether the additional evidence is necessary for a proper determination of the outcome of this Disciplinary Hearing. It considers that these additional witness statements provided to the Police are required to assist them to understand the nature and extent of the Respondent's conduct which led to her being charged with the offence of fraud by abuse of position, being the offence to which she pleaded guilty at the Crawley Magistrates Court on 2 July 2024 and for which she was sentenced at Lewes Crown Court on 29 August 2024.
  2. Even if not necessary, would its admission assist the Committee in arriving at a proper determination on the issues that will arise in this Hearing? As is clear from the above, the Committee considers that this additional witness evidence is of assistance to its determination of each of the 3 Stages in this Disciplinary Hearing.
  3. Could or should the College have secured this additional evidence earlier than it did or was it dependent on the Police to secure this evidence? The Committee considers that the College was wholly dependent on the Police for the provision of these witness statements, the College first asked for them on 14 January 2025 and they were only produced to the College on Thursday 13 February 2025 February 2025.
  4. Has the College acted "forthwith" or with proper expedition in serving this additional evidence on the Respondent once it came into its possession? Given that the College served these additional statements on the Respondent on 17 February 2025 the Committee has no hesitation in concluding that the College served them on the Respondent "forthwith" and/or with proper expedition.
  5. Will the Respondent suffer prejudice as a result of the service of this additional evidence less than 21 days prior to the commencement of this Hearing? If yes, is that prejudice substantial or should it come as no surprise to the Respondent that the College wishes to rely on this new witness evidence? The Committee

considers that the Respondent will have suffered no prejudice by reason of the service on her of these additional witness statements on 17 February 2025, which is less than the 28 day period stipulated in Rule 5.2. It so concludes because these witness statements would have been served on the Respondent by the Prosecution authorities before she entered her plea of guilty to the offence of fraud by abuse of position on 2 July 2024 and/or before she was sentenced at Lewes Crown Court on 29 August 2024. Nothing within them will have taken her by surprise and she did not contest anything contained within them according to the Judge who sentenced her on that day.

6. Has the Respondent had a reasonable opportunity to consider these new witness statements and to make objections to its late admission and has the Respondent availed herself of the opportunity? It is clear that the Respondent has had a reasonable opportunity to consider the contents of these witness statements and to raise objections to their admission in evidence but has chosen not to do so. The Committee concludes that her non responses to service on her of these witness statements is a manifestation of her decision not to participate in this Disciplinary Hearing. She has ignored all attempts by the College to get her to engage with it and to respond to any of their communications to her.
  7. If the Respondent has had such an opportunity but not raised any objection to its admission, can the Respondent reasonably complain about the admission of such evidence, if the Committee considers it to be relevant to its determinations in this Inquiry? In these circumstances the Committee has reached the conclusion that the Respondent cannot reasonably complain about the admission into evidence of the contents of these witness statements.
8. The decision of the Committee is, therefore, that the contents of Divider 6 should be admitted into evidence in these Proceedings.

**DISCIPLINARY COMMITTEE**  
**27 FEBRUARY 2025**