

**IN THE ROYAL COLLEGE OF VETERINARY SURGEONS
DISCIPLINARY COMMITTEE**

INQUIRY RE:

GEMMA LOUISE COLE RVN

DECISION ON SANCTION

1. The Committee having found the Respondent unfit to practice as a veterinary nurse it has proceeded to consider the appropriate sanction in accordance with Rule 11 of the Veterinary Nurse Conduct and Discipline Rules and Rule 18 of the Veterinary Surgeons (Procedure and Evidence) Rules 2004.
2. The Committee has had fully in mind that the primary purpose of the available sanctions is not to punish but:
 - (i) to protect the welfare of animals,
 - (ii) to maintain public confidence in the profession and
 - (iii) to declare and uphold proper standards of conduct.

And that the sanction which it applies must be proportionate to the nature and extent of the conduct and to the maintenance of appropriate standards and professional competencies expected of members of the veterinary profession and must weigh seriousness of the professional misconduct and the public interest with and against the interests of [the Respondent].

3. The Committee has assessed the Respondent's culpability on the basis of the head of charge and taken into account the relevant aggravating or mitigating factors present.
4. Having regard to the contents of paragraph 39 of the Committee's Procedure Guidance, this Committee considers that the following aggravating factors are present in this case. The Respondent's misconduct was premeditated. It constituted clear breaches of trust, namely the trust reposed in her by her employer and by her fellow members of staff, whose integrity was put in jeopardy by her misuse of their computer entries. There was an abuse of her professional position within the practice. Her misconduct was sustained and repeated over a lengthy period of four and a half years. Her scheme revealed a degree of sophistication. It netted her a substantial sum – £13,334.

5. Most troubling of all is the fact that the Respondent's fraudulent claims undermined an integral part of the insurance claims process. Insurance companies are obliged to place considerable trust in the honesty of those submitting and authorising claims under the policies they issue. They are entitled to expect that a veterinary nurse's honesty can be relied on without question when a claim is submitted. Insurance companies calculate their premium levels by reference to the value of claims submitted. It follows that if dishonest claims are submitted and accepted the premiums which all their Insureds have to pay will be higher than they otherwise would have been. In short, members of the public suffer when frauds such as this Respondent committed occur.
6. The Committee notes that the Disciplinary Committee's Procedure Guidance 2020 (paragraph 76) provides:

"Proven dishonesty has been held to come at the 'top end' of the spectrum of gravity of disgraceful conduct in a professional respect. In such cases, the gravity of the matter may flow from the possible consequences of the dishonesty as well as the dishonesty itself."

And that paragraph 77 of the same Guidance: *"Removal from the register may be appropriate where behaviour is fundamentally incompatible with being a veterinary [nurse], and may involve any of the following (the list is not exhaustive):*

 - a. *Serious departure from professional standards as set out in the [RVN] Code of Professional Conduct for Veterinary [Nurses] .."*
7. However, the Committee has, as advised by the Legal Assessor, approached the issue of the appropriate sanction by commencing with the lowest level of sanction and considered the sufficiency of each before proceeding to the next level of sanction in order of seriousness.
8. Its conclusions on each are as follows. Taking no action in a matter of this seriousness is clearly not appropriate. Nothing will be achieved by a postponement of this Hearing. It is clearly in the public interest that this matter should be determined without further delay and the public need to know that cases of this kind are being dealt with expeditiously.
9. A reprimand or warning as to the Respondent's future conduct would be, in the judgment of the Committee a manifestly insufficient sanction, given the presence of the aggravating factors identified above.
10. The Committee considered with care the adequacy of the sanction of suspension from practice for a period. What militated against such an outcome was the fact that the Respondent's misconduct was of a nature and kind that members of the public would be rightly concerned at the prospect of such a person being permitted to return to practice without any further inquiry at the end of the period of suspension. The misconduct here is of a kind that strikes at the very heart of what members of the public rightly require of members of a profession that is permitted to certify or authenticate the truthfulness and accuracy of formal documents which are presented to third parties who ordinarily accept such documents without further inquiry, precisely because of the professional standing of the authenticator. The misconduct in question was not committed on an isolated occasion but was persisted in over a period of years and resulted in the Respondent securing a

significant financial benefit. Similarly members of her profession would expect such misconduct to be regarded with the utmost seriousness given the damage it undoubtedly does to their integrity and their standing in the eyes of right thinking members of the public.

11. It has been said that whilst there are many benefits to belonging to an honourable profession the converse also applies, namely that those benefits carry with them concomitant important obligations which, if breached, result in serious consequences. The reputation of the profession is more important than the interests of one veterinary nurse. Lord Bingham described the issue thus “Membership brings many benefits, but that is part of the price”.
12. The nature and gravity of the actions of the Respondent and the consequences flowing from them are such that, in the view of the Committee, a sanction of a period of suspension would lack deterrent effect and would undermine public confidence in the profession and the professions regulatory process.
13. Taking into account the gravity of her misconduct, the need to maintain standards of probity in the profession, especially in relation to practice records and the submission of insurance claim documents, as well as the maintenance of public confidence in the profession, the Committee has resolved to direct the Registrar to remove the Respondent’s name from the Register.

DISCIPLINARY COMMITTEE
27 FEBRUARY 2025