

BEFORE THE PROFESSIONAL CONDUCT COMMITTEE OF THE
ROYAL COLLEGE OF VETERINARY SURGEONS

RCVS

v

MISS SHAKIRA FREE MILES RVN (Respondent)

DECISION OF THE DISCIPLINARY COMMITTEE ON FINDING OF FACTS AND FITNESS
TO PRACTISE

The Charge

That, being registered in the Register of Veterinary Nurses:

- 1. On 25 October 2023, at the Reading Crown Court, you were convicted, following a guilty plea, of 6 counts of theft from the person of another and 1 count of attempt theft from the person of another, and in respect of this conviction, on 2 February 2024, at the Reading Crown Court, you were sentenced to a community order for a period of 18 months rehabilitation activity requirement (RAR) and 100 hours unpaid work rehabilitation (UWR) on each count concurrent, ordered to pay £250 compensation, a £85 victim surcharge and £400 costs.**

AND THAT it is alleged that the above conviction renders you unfit to practise as a registered veterinary nurse.

Preliminary Issues

Further Evidence

1. Ms Curtis, on behalf of the College, raised the issue that the transcript of the sentencing hearing relating to the Respondent at Reading Crown Court on 2 February 2024 was affected by auditory problems, and that there were many instances where

the transcript was marked as “inaudible”. As a result, the College had obtained a transcript of the prosecution’s opening speech in order to provide further assistance to the Committee, and it had been received by the College from the Court the week prior to the commencement of this hearing. However, Ms Curtis stated, it transpired that this opening speech by the prosecution related to two other Co-Defendants who had pleaded not guilty to the charges against them, and that it was not a prosecution opening in the criminal trial against the Respondent. As such, Ms Curtis told the Committee that the transcript of the prosecution’s opening speech was not helpful and did not add much, and the College would not seek to place it before the Committee.

2. The Respondent objected to the admissibility of the transcript of the prosecution opening speech on the basis that it had been served on her only 6 days prior to this hearing, and because she had not been present at the prosecution opening, the first time she was aware of it was when she read the transcript.
3. The Legal Assessor expressed the view that the transcript of the prosecution opening speech presented a somewhat confusing picture in that while it referred to some elements of the prosecution evidence against the Respondent, it was in danger of creating an inaccurate picture as it related to the trial of two other Defendants, not the Respondent. As such, it should not be before the Committee.
4. The Committee considered the parties’ submissions, accepted the advice of the Legal Assessor, and determined that it did not wish to see the transcript of the prosecution opening speech. The Committee had sufficient information in the form of the transcript of the sentencing hearing at which the Respondent was sentenced, and the prosecution opening speech was not an opening in the trial against the Respondent.

Background

5. The Respondent is a registered veterinary nurse. She faced criminal charges with other co-defendants, and having initially pleaded not guilty, changed her plea to guilty on the second day of her trial (25 October 2023).
6. The Respondent was sentenced to a community order for a period of 18 months rehabilitation activity requirement (RAR) and 100 hours unpaid work rehabilitation (UWR) on each count concurrent, ordered to pay £250 compensation, a £85 victim surcharge and £400 costs.
7. The Respondent notified the College of her conviction on 8 May 2024.

The Committee’s findings of fact

8. The Committee was aware that the College must prove its case on the facts to the requisite standard, namely that the Committee is satisfied so that it is sure on each head of charge.
9. The Committee accepted that the certified copy of the certificate of conviction was proof of the conviction, pursuant to Rule 23.3(a) of the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules ("the 2004 Rules"). In addition, the Respondent admitted the facts of the charge. Accordingly, the Committee found the facts proved.

The Committee's decision on fitness to practise

10. The Committee read the inquiry bundle, and the documents submitted on behalf of the Respondent, which included a written "opening submissions document" and the Respondent's response to the College's request for information about her convictions, written in July 2024.
11. Ms Curtis referred to her written opening submissions dated 30 October 2024. Ms Curtis highlighted that it was apparent from the Judge's sentencing remarks that the thefts took place in the context of "*insufficient, incorrect or incomplete information*" in some instances and in others, action was "*taken largely because of either a disagreement with the welfare standards which were implemented, and/ or the fact that animals were being reared for slaughter*". The Judge accepted that they were motivated by their personal beliefs about animal welfare rather than for any personal gain.
12. Ms Curtis submitted that the six thefts as well as the attempted theft, of which the Respondent was convicted, were serious, being multiple offences. Ms Curtis submitted that it was clear from the sentencing remarks that the thefts mainly relate to animals stolen from domestic settings with a potentially adverse effect on the welfare of the animals, and a significant harm to their owners' mental wellbeing. These factors made the offences extremely serious.
13. Ms Curtis highlighted the seriousness of dishonesty in the context of a charge of a conviction rendering a professional such as the Respondent unfit to practise.

14. Ms Curtis also submitted that it was significant that the Respondent remains subject to a Community Order for eighteen months, which will expire on 1 August 2025.
15. The Respondent gave evidence. She told the Committee about her passion for, and commitment to, animal welfare which had resulted in a number of professional awards and various forms of recognition over the years. She told the Committee that while she physically did not take all of the animals, she was involved with, and part of a group, in which others did. She was in a vehicle outside the various premises from which they were taken for 5 out of the 7 incidents in respect of which she was convicted. She told the Committee that at the time she believed that the animals were suffering and were either going to die or continue to suffer without intervention. She told the Committee that the animals were taken to places where they would receive high standards of care. She told the Committee that she personally covered the costs of any veterinary bills which were required for the animals.
16. The Respondent showed the Committee a letter from her probation officer dated 2 October 2024 which confirmed that all RAR requirements would cease on 2 October 2024 and that the sentence remained active only until 1 February 2025. In response the College contacted the probation officer and obtained clarification that there was an error in the letter, and that the sentence had not been shortened, but would remain in place, as ordered by the Judge, until 1 August 2025
17. The Committee accepted the advice of the Legal Assessor. The Legal Assessor referred to Council for the Regulation of Health Care Professionals v General Dental Council (Fleischmann) [2005] EWHC 87 (Admin), Opore v NMC [2019] EWHC 1851 and PSA v GDC and Patel [2024] EWHC 243.
18. The Committee noted that whether the conviction renders the Respondent unfit to practise is a matter for the Committee's independent judgment, and that there is no burden of proof on either party. The Committee took into account the Disciplinary Committee Sanctions Guidance (August 2020).
19. The Committee considered the transcript of the remarks of the sentencing judge, and considered that the following specific remarks were significant:

"I accept that you were all motivated by your own personal beliefs. I do find that your motivation is relevant to culpability in the sense that your actions were not taken for a selfish financial gain, greed, revenge, anger, or (inaudible) motives. On the other hand, you acted deliberately and intended to (inaudible) and these are also factors that are relevant to culpability. They are not relevant to the harm you caused, and I'll come on to that in a moment. These excursions were planned in advance. Various there is evidence of maps, discussions about how to avoid detection by cameras, sometimes a reconnaissance visit to the location, the offenders participating (inaudible) dark clothing, balaclavas, went at night, and in the later stages used walkie-talkies to communicate. I'll make it plain not all of the features relate to each of the individual incidents (inaudible), and those, in my judgment, are features of a significant degree of planning...

There was in all of this a potential to cause more harm than good – for example, if animals were unwell, separated from their mothers, or transported. In the event, from the evidence I heard, either animals were recovered or otherwise rehomed; therefore, they went on to a safe environment, in any event...

I do find there was (inaudible) additional harm. Ms M, Mr A, Ms H, Ms (inaudible) and the team at Surrey Docks Farm, having heard from them or representatives from the farm, they had particular fondness for their animals, and that came across when they gave evidence, and I know you weren't here to hear that, but at trial it was plain that those losses caused stress over and above any financial impact, and Mr A, in particular, was striking in his (inaudible) account of how it made him feel vulnerable as a result of his farm being targeted, and his fear for his family. Again not all of these features apply to each of you, depending on where your guilty pleas have been entered, but let me make it plain that I balance the extent of that additional harm (inaudible) value of the goods...

Ms Miles, 30/31 at the time of the offences, now 36, of good character, no further offences, again very good character references, describing you as hard-working and compassionate. You have (inaudible) and (inaudible). The pre-sentence report, again I've read in full. There is some remorse expressed on your behalf (inaudible) by the probation officer, but also a lot of justification. I do take into account that there has been impact upon you in that you have lost your employment (inaudible) again. I note your income and your debts (inaudible) instability (inaudible) accommodation. You are also low risk of causing serious harm in the future, low risk of reoffending, and as for

credit for your guilty plea (inaudible) at trial (inaudible) but when the trial was pretty much underway (inaudible) credit (inaudible)... “.

20. The Committee took into account that the events which led to the convictions occurred while the Respondent was registered with the RCVS. The Committee also took into account that the general principle in Fleischmann, (namely that where a practitioner has been convicted of a serious criminal offence, he or she should not be permitted to resume practice until completion of the sentence) is not an unbending rule, and must be seen in the context of the individual circumstance of each case.
21. The Committee considered that the following was a mitigating factor: no financial gain.
22. The Committee took into account the following aggravating factors: risk of injury to animals; premeditated behaviour; the targeting of individuals in their own homes after dark (all but one of the thefts were from domestic settings); stress and emotional harm to the owners; repeated criminal offending.
23. The Committee considered the Respondent's motivations in respect of animal welfare in coming to its decision. However, the Committee also assessed the offences to be serious, taking into account their nature and circumstances as set out above. These were pre-planned, repeated thefts, and an attempted theft, from mostly domestic settings, carried out at night by the Respondent and others dressed in dark clothing and some co-defendants wearing balaclavas. The sentencing judge highlighted the actual emotional harm caused to the owners which was also an aggravating factor.
24. The Committee decided that the Respondent breached the following provisions of the Code of Professional Conduct for Veterinary Nurses:
 - i. *“Rights and responsibilities go hand in hand. For this reason, on registration with the RCVS, and in exchange for the right to practise veterinary nursing in the UK, every registered veterinary nurse makes a declaration, which, since 1 April 2012, has been:*

I PROMISE AND SOLEMNLY DECLARE that I will pursue the work of my profession with integrity and accept my responsibilities to the public, my clients, the profession and the Royal College of Veterinary Surgeons, and that, ABOVE

ALL, my constant endeavour will be to ensure the health and welfare of animals committed to my care.

Veterinary nurses 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.”

ii. The “five principles of practice:

1. *Professional competence*
2. *Honesty and integrity*
3. *Independence and impartiality*
4. *Client confidentiality and trust*
5. *Professional accountability”*

iii. *6.1 Veterinary nurses must seek to ensure the protection of public health and animal health and welfare, and must consider the impact of their actions on the environment...*

6.5 Veterinary nurses 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.”

25. The Committee was aware that breaches of the Code do not in themselves mean that the Respondent is unfit to practise by reason of the conviction. However, the Committee took into account the nature and circumstances of the conviction and also considered the wider public interest. The Committee was satisfied that the Respondent’s behaviour which led to the conviction created a real risk of harm to the animals in question, as was clear from the basis upon which the Respondent was sentenced. Further, the behaviour which led to the conviction for the repeated offences in the circumstances in question brings the veterinary nursing profession into disrepute. To find otherwise would undermine public confidence in the profession and fail to uphold proper standards of conduct and behaviour.

26. Accordingly, the Committee found that the conviction, set out in the Charge, renders the Respondent unfit to practise.