

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 SANCTION

1. Ms Curtis informed the Committee that the Respondent first registered with the RCVS in 2010, and that there had been no previous Disciplinary Committee findings against her.
2. The Respondent made further submissions to the Committee at this stage. What follows is a summary and not a verbatim record of her submissions.
3. The Respondent told the Committee that she believed that she never swayed from promoting animal welfare, and that when judging actions, intention is crucial to take into account. She stated that she would question the sentencing judge's remark that her actions had a potential to cause more harm than good, as the animals which were taken are still alive and are thriving in better circumstances. The Respondent told the Committee that a farm from which piglets were stolen had had welfare concerns raised against it and had been eventually closed down. The Respondent reiterated her genuine remorse for the emotional harm caused to the owners and that she accepted that what she did was illegal, and had no intention to excuse her criminal activity. The Respondent also expressed that ethical veganism is a protected characteristic under the Equality Act, and she should not be discriminated against, having already told the Committee that she is a vegan.
4. In relation to the sanction stage the Committee heard from 2 live character witnesses called by the Respondent:

- i. Dr MA, veterinary surgeon
 - ii. Mr SM, veterinary nurse.
5. The Committee also read a number of character testimonials submitted by the Respondent.
 6. The Committee took into account the Sanctions Guidance 2020, and accepted the advice of the Legal Assessor, who referred to the general principles governing the imposition of sanctions.
 7. The Committee had in mind that the decision whether to impose a sanction is for its own independent judgment. The primary purpose of the available sanctions is not to punish but:
 - (i) to protect the welfare of animals, and the public
 - (ii) to maintain public confidence in the profession and
 - (iii) to declare and uphold proper standards of conduct.

The Committee was aware that any sanction imposed must be proportionate to the nature and extent of the conduct and to the maintenance of appropriate standards expected of members of the veterinary nursing profession. It must weigh the seriousness of the behaviour under consideration, the need to protect animals, the public and the public interest with and against the interests of the Respondent. No greater sanction should be imposed than is absolutely necessary. Accordingly the Committee considered the available sanctions in reverse order of seriousness.

8. The Committee took into account the following aggravating factors:
 - i. risk of injury to animals;
 - ii. premeditated behaviour;
 - iii. the targeting of individuals in their own homes after dark (all but one of the thefts were from domestic settings);
 - iv. stress and emotional harm to the owners;
 - v. repeated criminal offending.

9. The Committee took into account the following mitigating factors:
- i. no financial gain;
 - ii. no concerns about the Respondent's competence or quality of her practice;
 - iii. significant lapse of time since the incidents;
 - iv. plea of guilty, albeit entered after the start of the trial;
 - v. co-operation with the regulatory process;
 - vi. disclosure of the conviction to the RCVS;
 - vii. no evidence of repetition of the offending behaviour;
 - viii. demonstration of some insight into the seriousness and impact of the offences on public trust and confidence;
 - ix. positive personal character references/ testimonials
 - x. remorse expressed for upset caused to the owners
 - xi. apology to the RCVS and her profession
 - xii. compliance with the requirements of the criminal sentence;
 - xiii. low risk of repetition.
10. The Committee accepted that the Respondent has shown remorse and has apologised for her criminal offending, and accepted her assertions that she had no intention of breaking the law again. In this regard, since the dates of the offences in 2018, she has not repeated her offending behaviour. The Committee also took into account the sentencing judge's view that there was a "low risk of reoffending" and in light of the evidence and submissions before it, the Committee was of the view that the risk of repetition remained low. Further, the Respondent, before the Committee, demonstrated insight into the effect of her conviction on public confidence in the profession.
11. The Committee also considered testimonials and character references which attest to the Respondent's exemplary practice, integrity, professionalism, compassionate approach to animals, her commitment to animal welfare, her work in educating others in animal welfare, and her commitment to campaigning for animal welfare.
12. However, the Committee did consider that throughout this hearing, there were attempts by the Respondent to justify her actions, and the Committee reminded itself that this was also observed by the sentencing judge who stated "*there is some remorse expressed on your behalf (inaudible) by the probation officer, but also a lot of*

justification". The Committee considered that the Respondent's submissions indicated a wish to provide ethical justification for her actions. This was not accepted.

13. For the avoidance of any misunderstanding, the Committee would like to make it clear that, while it accepts that an individual may hold deeply-held personal convictions on a matter, that does not justify breaking the law in order to uphold those convictions. The Committee rejects entirely the Respondent's attempted justification of genuinely-held beliefs, as well as her lack of acceptance of the sentencing judge's assessment of the risk of harm to the animals which were stolen. The Committee also does not accept the Respondent's justification that the stolen animals were now thriving in better conditions, and that one of the farms had subsequently been closed down. The Committee did not accept or see the relevance of the Respondent's justification based on the position of ethical veganism under the Equality Act.
14. As a result, the Respondent gave the impression to the Committee that while she accepted that it was wrong to commit the criminal offences, she also believed that her intention to protect the animals' welfare was a justification.
15. The Committee took the view that its function was not to police the Respondent's deeply held views about animal welfare. The relevant question which the Committee considered was whether the Respondent's views on animal welfare created any real risk to animals or of undermining public trust and confidence in the profession. In considering this question, the Committee took into account that the Respondent is a well-known figure in the veterinary nursing field, with a wide network in the veterinary profession, for example stemming from the alliances she has made through her campaigning work, as well as having a large social media following. Despite this broad public exposure, there was no evidence before the Committee that the Respondent's deeply held and vocal views on animal welfare created any real risk to animals going forwards, or any real risk to public confidence in her as a representative of her profession or in undermining the profession as a whole.
16. There is no evidence of any risk to animals arising out of the Respondent's day to day practice as a veterinary nurse.
17. The Committee first considered whether to take no further action. It took into account the Sanctions Guidance which states that in certain cases, the Committee may consider that a finding that a conviction renders a practitioner unfit to practise is

sufficient and the Committee may decide to close the case with no further action. The Committee considered that in light of the repeated offences of theft, this case was too serious to take no action, as this would not address the demands of the wider public interest, namely the need to uphold confidence in the profession, and uphold proper standards of conduct and behaviour.

18. The Committee then went on to consider a postponement of judgment, and any possible undertakings, but decided that this sanction would not be appropriate. This is not a case concerning professional standards of practice or competency where a postponement can have some value in allowing for steps to be taken to address deficiencies in practice or training.
19. The Committee was of the view that the conviction was particularly serious, in that it involved offences of dishonesty on a repeated basis. The Committee also took into account that the Respondent has invoked her beliefs to undermine an aspect of the sentencing judge's remarks and has used those beliefs to justify her actions at the time before this Committee. However, the risk of re-offending is low, and as already stated the Committee accepts the Respondent's assertion that she does not intend to break the law again, and the Committee is assured in this regard by the lack of repetition in the last six years. There was insight shown by the Respondent into the effect of her conviction on public trust and confidence in the profession. The Committee weighed the demands of the public interest, as well as the previously stated mitigating and aggravating factors. In all the circumstances of this particular case, the Committee concluded that both a Reprimand and a Warning as to future conduct is sufficient and proportionate in this case to meet the need to maintain public confidence in the profession and uphold proper standards.
20. The Committee went on to consider an order of suspension, but decided that this would serve no useful purpose in light of the low risk of repetition of criminal offending, the nature of which was unconnected to her daily role as a RVN. It could see no identifiable risk to animals now and in the future. The Committee decided that to impose a suspension would be punitive and disproportionate. Indeed, it is in the interests of the profession and the public that a competent RVN be allowed to continue to practise when they present no danger to the public, or animals. It is not in the public interest to prevent a competent RVN in such circumstances from practising simply in order to satisfy demands for blame and further punishment.

21. The Committee therefore decided, in the particular circumstances of this case, to impose a Reprimand and Warning on the basis that it would be necessary and proportionate to maintain public confidence in the profession and declare and uphold proper standards of conduct and behaviour in light of the serious nature of the conviction. The Reprimand and Warning sanction imposed on the Respondent will remain on her RCVS record indefinitely and will be taken into consideration should there be any future misconduct.

Disciplinary Committee
6 November 2024