

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

BRONWYN ANNE NICHOLLS, RVN

**DECISION OF THE DISCIPLINARY COMMITTEE IN RESPECT OF THE RESPONDENT'S
APPLICATION TO DISPOSE OF THE CASE BY ADJOURNMENT OF THE INQUIRY AND
UNDERTAKINGS**

1. The Respondent faces the following charges:

THAT, being registered in the Register of Veterinary Nurses and whilst in practice at the Castle Veterinary Group, CVS (UK) Ltd, Suffolk ("the practice"), you:

- 1. On or around 22 December 2021, participated in the surgical removal of a microchip from a cat named Shadow, when such removal was not clinically justified;*

- 2. Between 15 February 2022 and 12 June 2022, failed to disclose, to your employer and/or management at the practice, the surgical removal of the microchip referred to in 1 above, despite:*

- (i) an internal investigation by your employer and/or management at the practice into what had happened to Shadow in December 2021;*

- (ii) being encouraged by colleagues to disclose, to your employer and/or management at the practice, the removal of the microchip;*

- 3. Your conduct in relation to charge 2 above was dishonest;*

AND that in relation to the matters set out above you are guilty of disgraceful conduct in a professional respect.

2. No formal admissions by the Respondent have been entered to the charges.

Application

3. The Respondent made an Application to the Committee to adjourn the Inquiry into the Charge of Disgraceful Conduct in a Professional Respect brought against her by the College. The Application was for the case to be adjourned 'sine die' on the basis that no further date would be set.
4. In support of her application to the Committee, the Respondent offered her written Undertakings as follows:

I, Bronwyn Nicholls RVN, of [REDACTED] hereby undertake as follows:

- 1. I shall request the Registrar to the Royal College of Veterinary Surgeons to remove my name from the Register of Veterinary Nurses with immediate effect;*
- 2. I shall never apply for my name to be restored to the Register of Veterinary Nurses;*
- 3. I shall cooperate with the Royal College of Veterinary Surgeons' solicitors in providing a witness statement in connection with the ongoing RCVS proceedings against [REDACTED].*

I understand that, in the event I do ever apply for my name to be restored to the Register of Veterinary Nurses, the RCVS charges against me set out in the Notice of Inquiry dated 13 June 2024 - and the breach of these Undertakings - shall be considered by the Disciplinary Committee at a hearing to be listed as soon as practicable thereafter.

5. Mr Mark Harries KC, counsel for the Respondent, provided written submissions, which he developed before the Committee. Ms Nicole Curtis was counsel instructed by the College and also provided her written submissions, which she expanded on in the hearing.
6. The Committee was also provided with the draft Bundle of evidence for the case and a number of previous Committee determinations on similar applications.
7. Mr Harries submitted that the Committee had power to grant the application and specifically Rule 22.4 of the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004 ("the Rules") stated that:

“22.4. In deciding whether to postpone or adjourn a hearing, the Committee shall have regard to all of the circumstances and to the interests of justice.”

8. It was submitted that the circumstances might include the following:
 - The personal circumstances of the Respondent
 - The allegations and supporting evidence
 - The public interest in maintaining confidence in the profession and upholding proper standards of conduct
 - The protection of animals and their welfare
 - What is just, fair and proportionate an outcome to achieve the protection of the public and animals

9. In particular, Mr Harries invited the Committee to consider certain aspects of the case, including:
 - a. That the Respondent is now 74 years of age and had resigned from her employment on 15 July 2022;
 - b. The Respondent's previous unblemished, 40-year career without previous adverse disciplinary finding;
 - c. The Respondent had not practised since her retirement over 2 years ago and had no intention to return to practice, undertakings to which effect protected the welfare of animals and public confidence in and the reputation of the profession;
 - d. The Registrant's self-referral to the College, acknowledgement of conduct failings and full engagement in the College investigation;
 - e. That the criticism related to her actions under the direction of a veterinary surgeon, whom the evidence suggested it was difficult to question
 - f. The dishonesty alleged related to a failure to disclose, and there had been no financial gain for herself or loss to another;
 - g. The allegation concerned the treatment of a single animal;

- h. The undertakings resulted in a position beyond what a Committee was empowered to impose, therefore protected animals and upheld the public interest;
 - i. The Application allowed a remedy to the College of reinstating the proceedings for any breach of undertakings.
10. Mr Harries submitted that any informed member of the public would understand why the Committee might grant the Application, and granting it would also be an efficient disposal of the proceedings.

College Response

11. Ms Curtis, on behalf of the College, did not oppose the Application. She informed the Committee that the case involved allegations that the Respondent had removed a microchip from an animal when this had not been clinically justified and had not been honest to her employer in the course of its investigation into the matter.
12. Ms Curtis submitted that the decision was for the Committee's judgement, but certain factors were relevant, including that removal from the register with an undertaking never to return went beyond what a committee could impose, and might serve the public interest, in particular animal welfare. Ms Curtis also referred to the Respondent's age, retirement and lack of intention to return to practice.
13. Ms Curtis pointed out that there had been no formal 'complainant' in the case, the Respondent having referred herself to the College. There was also a saving in terms of hearing time and cost, if the application was granted.

Committee Decision

14. The Committee considered the evidence in the draft Bundle provided, together with the submissions of the parties and the examples of determinations on similar applications. It has heard and accepted the advice of the Legal Assessor.
15. The Committee accepted submissions and legal advice, and this determination must be read in the context that, the Committee was not required to make any findings of fact or draw any conclusions from any of the evidence provided. The evidence was considered by the Committee purely for the context of the case and for the Committee to be aware of the issues and concerns involved.

16. The Committee bore in mind that it is acknowledged that it plays a more positive role than a judge hearing a criminal case, in seeing that the correct evidence is placed before it, and to avoid 'undercharging' cases. Further the Committee acknowledged that, where it is in effect being asked to bring a case to a close, it must do so on a fully informed basis for similar reasons.
17. The Committee also had in the forefront of its consideration its duty to act in the public interest, this having three strands:
- 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 nursing profession;
 - promotion and maintenance of proper professional standards and conduct in the veterinary nursing profession.
18. The Committee was satisfied that, having read and considered the draft Bundle, it was sufficiently apprised of the facts of the case and the relevant issues. It did not consider that there were any further investigatory steps required and the College's case was clear.
19. The Committee read and considered the examples provided of other determinations on similar applications. It also acknowledged that these were not binding on it in anyway but rather were provided for its information and assistance. The Committee considered that each application must be considered and will depend on its own unique set of facts.
20. The Committee noted that the Respondent has a long and unblemished career, also that she had self-referred and cooperated with the College and was prepared to act as a witness in other proceedings. However, it regarded those matters as going to the proper conduct of a professional and not of particular weight in the Application.
21. Although the Committee noted that the evidence tended to show that the Respondent had acted at the direction of a veterinary surgeon, it considered that this did not outweigh the Respondent's own professional obligations in the relevant events. Further, this factor did not touch on the dishonesty allegation.
22. The Committee did, in the Respondent's favour, place weight on the fact that this had been a singular event of clinical failing during the course of a long career. Further, the

associated dishonesty the Committee assessed at being at the lower end of the scale, on the face of the College's evidence. It considered that the expectation that veterinary nurses act with honesty in working with others was important, and so the lack of financial benefit did not have a great deal of impact, given the circumstances. However, the Committee noted that the Respondent had eventually corrected the understanding of her employer and admitted what she had done. Importantly, it was clear that the Respondent had admitted her failings to the College in her subsequent dealings with the College.

23. The Committee acknowledged that, if granting the application, there would be no formal findings of fact and therefore no potential finding of disgraceful conduct in a professional respect. The Committee considered that the making of such findings is an important part of the regulatory process. However, the Committee balanced this with the objective of protection of the welfare of animals and the practical effect of accepting the Respondent's undertakings.
24. Taking all matters into consideration and in particular the singular nature of the clinical event and dishonesty at the low end of the scale, the Committee placed weight on the fact that removal of the Respondent's registration together with an undertaking to never re-apply exceeded the potential sanction which could be imposed, following any hearing. The Committee also brought into the balance the Respondent's own interests, in not continuing to be subject to the proceedings. The Committee also noted that the College did not oppose the Application.
25. The Committee considered that an informed member of the public, if aware of the full facts of the case and the Application, would not be alarmed or concerned if the application is granted and public confidence in the profession would not be undermined. The Committee was also satisfied that the effect of granting the application and accepting the Undertakings would serve to uphold the three strands of the public interest, and it was in the interests of justice. The Committee decided to accede to the application and accept the Respondent's undertakings.
26. The Committee accepted that, in addition, there would be an expeditious disposal of the proceedings and a concomitant saving of expense. However, its overriding concern was the public interest as set out above.
27. Ms Curtis, on behalf of the College informed the Committee that a signed copy of the Respondent's undertakings had been received by her. However, the Committee

directs that the Respondent formally lodge her signed and dated Undertakings with the College. The Committee directs that, on the basis that the Undertakings are or have been lodged, the Inquiry against the Respondent shall be adjourned sine die.

Disciplinary Committee
24 July 2024

UNDERTAKINGS

I, Bronwyn Nicholls RVN, of [REDACTED] hereby undertake as follows:

1. I shall request the Registrar to the Royal College of Veterinary Surgeons to remove my name from the Register of Veterinary Nurses with immediate effect;
2. I shall never apply for my name to be restored to the Register of Veterinary Nurses;
3. I shall cooperate with the Royal College of Veterinary Surgeons' solicitors in providing a witness statement in connection with the ongoing RCVS proceedings against [REDACTED]

I understand that, in the event I do ever apply for my name to be restored to the Register of Veterinary Nurses, the RCVS charges against me set out in the Notice of Inquiry dated 13 June 2024 - and the breach of these Undertakings - shall be considered by the Disciplinary Committee at a hearing to be listed as soon as practicable thereafter.

Signed [REDACTED]

Bronwyn Nicholls RVN

Dated: July 15th 2024

