

ROYAL COLLEGE OF VETERINARY SURGEONS

V

MR IWAN WYN PARRY MRCVS

FINDINGS

Mr Parry appeared before the Committee charged that, being registered in the Register of Veterinary Surgeons:

1. (A) On 18 January 2007 he signed as Official Veterinarian a Tuberculin Test Report and Certificate (TB52) with CPHH number 52/169/0018 in respect of 6 animals belonging to the Garthgwynion Estate in which he certified that on 15 January 2007 he had subjected the animals to the Intradermal Comparative Tuberculin Test with results as indicated on the chart (TB52A) and that on 15 January 2007 he had clinically inspected the animals and in his opinion no animal showed clinical signs of Tuberculosis, or any other notifiable disease of cattle, when he had not undertaken the said tests and inspections; in circumstances where:

- (i) he knew that he was certifying that he had personally subjected the animals to the said tests and personally clinically inspected the animals when he knew he had not done so and he was therefore dishonest in his certification; or
- (ii) he ought to have known that he was certifying that he had personally (as opposed to another veterinary surgeon in the practice) subjected the animals to the said tests and personally clinically inspected the said animals and/or
- (iii) he had allowed or authorised a veterinary surgeon who was not (and who he knew was not) an Official Veterinarian to carry out the tests

and seven other similar charges as summarised in the table below, and that in respect of these charges (or each of the heads of charge, either individually or in any combination), he had been guilty of disgraceful conduct in a professional respect.

Address of owner	1st test day	Date of signature of TB52
Garthgwynion Estate	15.01.07	18.01.07
Troed y Rhiw	15.01.07	18.01.07
Bryn Melyn	15.01.07	18.01.07
Garthgwynion Estate	29.01.07	01.02.07
Garthgwynion Estate	19.02.07	22.02.07
Cefn Barhedyn	19.02.07	22.02.07
Croeslyn	19.02.07	22.02.07
Cefngwrgrug	16.02.07	19.02.07

- 1) At the outset of the hearing Mr Parry denied all of the charges.
- 2) Counsel for the College, Ms Curtis, began by explaining the procedures under which cattle and related animals in the United Kingdom are tested for bovine tuberculosis, stating that, whatever the purpose of the test, it must be carried out by a veterinary surgeon who has been trained and accredited by Animal Health as a Local Veterinary Inspector (LVI).
- 3) On 20th February 2007 Animal Health received a complaint that a veterinary surgeon from Mr Parry's practice had used the incorrect type of syringe when performing a TB pre-movement test. Divisional Veterinary Manager, Mr David Lloyd Pugh ("Mr Pugh"), had investigated, at which point it came to light that the farmer concerned (Mr Evans of the Garthgwynion Estate) had said that the test had been performed by a foreign female veterinary surgeon. Mr Pugh's investigation revealed irregularities in the signing of the forms on which the results of the test were recorded, and which were used to inform Animal Health of those results.
- 4) On forms TB52, the signing veterinary surgeon was required to certify that "I have subjected the animals notes (sic) in 8b opposite to the Intradermal Comparative Tuberculin Test" and that "I clinically inspected the animals noted in 8b opposite". Ms Curtis contended that it is clear that this form should be signed by the veterinary surgeon that performed the test, and Animal Health's instructions to LVIs make it clear that this veterinary surgeon must in all cases be an LVI.
- 5) Mr Pugh discovered that on eight occasions in January and February 2007 TB pre-movement tests had been performed by foreign female veterinary surgeons, but the relevant TB52 forms had been signed and certified by Mr Parry. These female veterinary surgeons then worked for Mr Parry's practice as locums. Neither was accredited as LVIs.
- 6) The Committee heard evidence from Mr Pugh, in accordance with his witness statements (Tabs 2 and 3 of the Inquiry Bundle), and under cross-examination. Mr Pugh explained in detail the technique for performing the Intradermal Comparative Tuberculin Test for tuberculosis in cattle and the circumstances in which such testing was required to be performed.
- 7) Mr Pugh informed the Committee that he became aware in the summer of 2006 that Mr Parry's practice was experiencing difficulties, in that his partner had retired earlier than planned and that all eight assistant veterinary surgeons employed by the practice had also left. Five new assistant veterinary surgeons joined the practice and were trained and accredited as LVIs on the 11th October 2006 with a further one on the 28th February 2007. None of these six were the two locums referred to above.
- 8) Following receipt of the complaint that the wrong type of syringe had been used in a TB pre-movement test on the Garthgwynion Estate, alleged as being a disposable plastic syringe rather than the McClintock type, Mr Pugh had visited the Garthgwynion Estate, where estate manager Mr Evans told him that he had no recollection of Mr Parry ever having been to the holding personally, and that the TB tests in question, had been performed by foreign female veterinary surgeons whose names Mr Evans did not know.

- 9) Mr Pugh then visited Mr Parry's practice. Mr Parry was absent but the staff had been entirely cooperative in making the work sheets available to Mr Pugh. The work sheets, copies of which were shown to the Committee, made it clear that the tests in question had been performed by the two female locum vets, and not by Mr Parry.
- 10) Following Mr Pugh's visit to Mr Parry's practice, Mr Parry had telephoned Mr Pugh at home that evening. Mr Pugh stated that Mr Parry had begun by asserting that if he had signed the forms he must have done that work. This initial answer was later explained by Mr Parry in evidence as a misunderstanding, because he thought that Mr Pugh was referring to routine herd testing. On being informed that Mr Pugh was referring to forms relating to pre-movement testing at Garthgwynion Estate, and that his practice work sheets showed that he had not personally carried out the tests, Mr Parry had then explained to Mr Pugh that he had been anxious to get the work done, and that he believed that the two veterinary surgeons involved were competent although they were not accredited as LVIs. Mr Pugh's contemporaneous hand-written notes of the conversation indicate that Mr Parry "acknowledges that he should not have signed" the forms, although he put forward in explanation that, as a pre-movement test is a private contract between the veterinary surgeon and his client, rather than a contract between the veterinary surgeon and Animal Health as is the Routine Herd Test, he said that he sent the locums to perform the tests, rather than an LVI. The hand-written notes also indicated that Mr Parry had "acknowledged his mistake but has attenuating (sic) circumstances" and had appealed for Mr Pugh to "look at this reasonably".
- 11) Mr Pugh had taken the decision to suspend Mr Parry's status as an LVI which, under Animal Health's usual procedures, also involved the suspension of all of his assistant veterinary surgeons. Animal Health had also made a complaint to the RCVS to the effect that the completion of these certificates by Mr Parry fell below the standards which were required.
- 12) Mr Pugh informed the Committee that no effort had been made to trace the cattle which had been the subject of these tests, allegedly carried out by veterinary surgeons who were not accredited as LVIs, with a view to subjecting them to further testing. Mr Edis invited the Committee to interpret this as implying that the view of Mr Pugh and of Animal Health was that the risk presented to animal health by the possibility of these animals having been wrongly tested was negligible.
- 13) Mr Edis also drew from Mr Pugh that there were circumstances in which a veterinary surgeon could be registered as an LVI on the basis of certification from their employer that they were competent, without their work having been assessed by Animal Health. Mr Pugh recollected one LVI in his division having been accredited in that way in the previous 12-18 months, out of a total of around 40-50 newly-accredited LVIs in that period.
- 14) In answering questions from the Committee, Mr Pugh said that the two locums had not undergone LVI training or accreditation in his division prior to the events in question, and nor had they done so in any other part of the United Kingdom.
- 15) The Committee then heard evidence from Mr W A Edwards, an Animal Health employee and a former Chief Veterinary Officer for Wales (Tab 4 of the Inquiry Bundle). Mr Edwards had conducted a hearing on the 17th September 2007 at which Mr Parry had appealed against his suspension as an LVI.

- 16) Mr Edwards informed that Committee that, at that hearing, Mr Parry agreed to the facts that the tests in question had been carried out by veterinary surgeons who were not accredited as LVIs but had been signed for by himself, and that he understood why he had been suspended. Mr Parry had explained to Mr Edwards that there were extenuating circumstances, concerning the break-up of his partnership and difficulties in obtaining assistants, but he had conceded that he should not have taken the action that he took and fully accepted the responsibility for it. At the conclusion of the hearing, Mr Parry's suspension as an LVI was upheld.
- 17) In cross-examination, Mr Edwards supported Mr Pugh's statement that the risk of spreading tuberculosis through the movement of these cattle which may not have been properly tested was so small as not to be worth Animal Health's time in tracing and re-testing them.
- 18) Mr Parry gave evidence on his own account, his Counsel Mr Edis initially leading him through his CV. Having qualified from Edinburgh in 1987, he became a partner in the practice (an eleven vet mixed practice) in 1992 and was now effectively the sole principal. The partnership was still legally in existence but his partner did no work in the practice. He had been an LVI since only a few months after graduation. Mr Parry had developed a special interest in bovine fertility and also in aspects of biosecurity. He was highly regarded by his professional colleagues in Wales: amongst other posts he represented the National Beef Association on the Animal Health and Welfare Steering Committee for the Welsh Assembly and represented Wales on the Cattle Health and Welfare Council for England, Scotland, Northern Ireland, Eire and Wales. He said that he was passionate about biosecurity and the importance of keeping TB-free areas free of the disease.
- 19) Mr Parry described the way that he runs his practice, taking great care to support and mentor junior staff members and to provide a good service to his clients, who farm over a large and mountainous geographic area.
- 20) Between May and October of 2006, as stated above, all eight of his assistant veterinary surgeons left the practice for reasons beyond his control and he was under considerable pressure to try to maintain services. Mr Parry said that the two locum veterinary surgeons were highly competent and experienced, and that part of their role was to train and mentor a team of newly-employed recent graduates. He had not asked about their LVI status at interview as they were not employed to undertake TB testing, and indeed had assumed that they were not LVIs. He said that he was nonetheless aware that they had performed TB testing previously in their countries of origin.
- 21) The Committee was informed that the incidence of bovine tuberculosis in the area covered by Mr Parry's practice is very low, with most of the area on a four-yearly testing regime. A small part of the southern edge of the practice, where the farms in question are situated, was on a one and two-year regime, hence the need for pre-movement testing. No cases of tuberculosis had been seen in cattle belonging to Mr Parry's clients during his time in the practice prior to these events, the first reactor having been seen only in the last few weeks before the hearing.
- 22) Mr Parry frankly and openly admitted that he had signed the eight TB52 and TB52A forms in question, that he had not performed the tests himself and that he had allowed the work to be done by veterinary surgeons who were not LVIs. He asserted that at the time he had honestly believed that, as pre-movement tests are a private

contract between veterinary surgeon and farmer, it was entirely legitimate for him to send any competent veterinary surgeon to do the work and that he then signed the forms on behalf of the practice, after questioning the veterinary surgeon concerned and checking the results. He was now aware of his error, which he deeply regretted. He assured the Committee that he had made an honest mistake at a time of great personal pressure and that it would not be repeated.

- 23) When questioned further by Mr Edis, Mr Parry was emphatic that his actions had not been made with dishonest intent but that, with benefit of hindsight, he conceded that they had been inappropriate. He was fully aware of the importance of maintaining the integrity of veterinary certification and had never intended to undermine that nor had he, at the time, seen his actions as doing so.
- 24) The Committee heard from Bruce Lawson, formerly a partner with Mr Parry in his practice but who retired in 1999. He had returned to the practice on a part-time advisory basis in 2006 when the practice had been experiencing staffing difficulties. Mr Lawson described Mr Parry as a competent, hard-working, honest vet and commended the way in which he took care of his staff, always ensuring that they were supported and not pressurised to work faster or generate more profit.
- 25) The Committee also heard from Zoë Heinsen, a young veterinary surgeon who has been employed by Mr Parry in his practice since August 2006, shortly after her graduation. She too spoke highly of Mr Parry's qualities as a veterinary surgeon and as an employer, and said that she had been trained and accredited as an LVI at the earliest opportunity after joining the practice, in October 2006. Ms Heinsen remembered the two locum veterinary surgeons in question, and said that they too had been highly competent clinically and had been very supportive of her in her early days in the practice. She advised the Committee that staff morale in the practice was currently excellent, with all grades of staff on friendly terms and communicating well. Ms Heinsen said that she felt very fortunate in her employer, far more so than many of her contemporaries.
- 26) Mr Dick Sibley, BVSc, Hon FRCVS, appeared before the Committee as an expert witness, being a highly experienced and well respected cattle practitioner of excellent reputation. Amongst many other posts, he held a position on DEFRA's TB Forum. Mr Sibley advised the Committee that, in his opinion, an Intradermal Comparative Tuberculin Test is a technically straight-forward procedure which he would expect any veterinary surgeon to be able to perform competently after no more training than reading the instructions provided by Animal Health.
- 27) Mr Sibley went on to say that he had always understood that it was mandatory that the test be performed by an LVI in all circumstances (other than when an LVI in training performs a test under supervision) but did concede that there were occasions when he had signed forms TB52 and TB52A on behalf of another veterinary surgeon in his practice. This occurred only in certain very limited circumstances, with the prior knowledge and approval of his local Divisional Veterinary Manager (DVM), and with an annotation on the forms to that effect. He added that, although the LVI performs the test, measures the skin thickness, interprets the test and completes the forms, the final interpretation and any decision on action is down to the local DVM, who has never seen the cattle involved.
- 28) Mr Dafydd Jarrett, a part time farmer and a client of Mr Parry's, appeared as a character witness. Mr Jarrett also lectured on livestock topics in tertiary education

and was a policy adviser for the NFU in Wales. Through these activities, he knew very many of Mr Parry's clients and social acquaintances. He informed the Committee that he had always found Mr Parry to be entirely trustworthy and honest, and said that he could not ask for a better quality of veterinary service. He claimed that his remarks were made on behalf of a large proportion of his local farming community, not just for himself alone.

- 29) Mr Elfyn Llwyd MP also appeared as a character witness for Mr Parry, saying that in doing so he had made an exception to his usual rule of refusing such requests. He informed the Committee that Mr Parry was extremely well respected in his constituency and further afield, and freely gave his time to educate the farming community on matters such as new legislation and biosecurity. Mr Llwyd felt Mr Parry to be a man of unblemished character and said that he had no doubt of his absolute honesty.
- 30) The Committee heard from two further character witnesses, Mr Huw Williams and Mr Rowland Davies, both acquaintances of Mr Parry's of around twenty years' standing and both holding significant positions in the agricultural sector. Mr Williams was a former agricultural adviser to the livestock sector in Mr Parry's locality and, more recently, worked on a Welsh language television programme on farming matters to which Mr Parry regularly contributed. Mr Davies was a senior investigating officer for Aberystwyth University and visited many farms in the area to discuss and collect data on their finances. Both were unstinting in their praise for Mr Parry as an honest man, as a competent and forward-thinking veterinary surgeon and as a valued member of the agricultural community.
- 31) Counsel for the College, Ms Curtis, made her closing submissions, pointing out that Mr Parry had openly admitted that:
 - a) he signed the relevant certificates;
 - b) he had not undertaken the tests and inspections referred to in those certificates;
 - c) when he signed the certificates, he knew that he had not undertaken the tests and inspections;
 - d) he ought to have known, when signing, that he was certifying that he had personally subjected the animals to the tests and personally clinically inspected the animals;
 - e) he had knowingly allowed or authorised veterinary surgeons who were not LVIs to undertake the tests.
- 32) She suggested to the Committee that the only point at question was whether or not Mr Parry *knew* that he was certifying that he had personally subjected the animals to the tests and that he had personally clinically inspected them and whether or not he was therefore dishonest in his certification.
- 33) Miss Curtis reminded the Committee of a definition of dishonesty as "conscious impropriety": that the dishonest man knows at the time that he is doing wrong, even if for no financial gain.
- 34) Miss Curtis contended that the certificate is plain on its face and is quite unambiguously a personal certification, also that, after nineteen years experience as

an LVI, Mr Parry must have been wholly familiar with the declaration which he was signing, even had he not read it word by word on this occasion.

- 35) The College's contention was that it was beyond credibility that Mr Parry, while being aware that routine herd tests and post-movement tests had to be carried out by an LVI, was not aware of the same stipulation in respect of pre-movement tests. Had that genuinely been his opinion, he had sent non-LVIs to perform pre-movement tests only on eight occasions over a very short period of time and had not done so routinely over the eleven months between the introduction of pre-movement testing, and his first telephone conversation with Mr Pugh on the subject.
- 36) The College concluded its submission by suggesting that if they found sub-charge (i) of each of the eight heads of charge proven, ie. dishonesty on Mr Parry's part, then a finding of disgraceful conduct in a professional respect must follow. If the Committee preferred sub-charge (ii) of each of the eight heads of charge, i.e. that Mr Parry ought to have known that he should not have signed the certificates in question, then the College contended that that too should lead to a finding of disgraceful conduct in a professional respect, given the utmost importance of maintaining the integrity of veterinary certification. She argued that this importance is all the more critical when acting as a representative of the government as an LVI. In addition, there is the potential for animal health consequences when mis-certifying in matters of disease control, although the College conceded that in this case the risk was slight.
- 37) Mr Edis, making his closing submissions on behalf of Mr Parry, admitted that:
- a) in dispatching the two locum vets to do pre-movement tuberculin testing Mr Parry was sending vets who, albeit more qualified and experienced than very many LVIs, were not in fact LVIs;
 - b) that Mr Parry assumed (correctly) that they were not LVIs;
 - c) that Mr Parry signed all the forms in question;
 - d) that Mr Parry had not himself personally visited the farms on those occasions, that he had not carried out the tests and that he had not clinically inspected the cattle;
 - e) that Mr Parry should not have signed the forms in question;
 - f) that in doing the above Mr Parry was acting inappropriately.
- 38) Mr Edis reminded the Committee that, from the outset, Mr Parry did not dispute the underlying facts in the charges, but did not admit that he was acting dishonestly in so doing or that he thought or knew that he was acting dishonestly. His case, in summary, was that he made an error of judgment, perhaps even a significant error of judgment, falling short of dishonesty.
- 39) Mr Edis asked the Committee to consider the many submissions which had been made, both orally and in writing, to the effect that Mr Parry was a man of good, indeed exemplary character. He noted that those who had provided witness statements to the College had been unwilling to give evidence in person, and that the one witness who had attended had done so on the basis of a Summons, whereas

six character witnesses had willingly appeared on behalf of Mr Parry and numerous others had offered to do so.

- 40) Mr Edis concluded by reminding the Committee of the considerable stigma that would attach to a finding of dishonesty to a man in Mr Parry's position, regardless of any other sanction that the Committee may decide upon.
- 41) The Legal Assessor Mr Price advised the Committee that, the facts being admitted, they had to choose between sub-headings (i) and (ii) of each of the eight heads of charge, the crux of the decision being whether or not Mr Parry had acted dishonestly. He repeated Ms Curtis' definition of dishonesty as "conscious impropriety", and advised the Committee that the College's evidence should be viewed in the light of the evidence of Mr Parry's good character.
- 42) The Committee has given anxious consideration to all of the submissions made by Ms Curtis and Mr Edis, and to the evidence provided by both parties and has carefully noted the advice of the Legal Assessor.
- 43) The Committee is of the view that the following points are significant when considering whether the College has proved its case:
 - a) Mr Parry was at the material time a highly experienced LVI.
 - b) He fully understood the importance of Routine Herd Testing, and post-movement testing being carried out only by LVIs.
 - c) He has a reputation for keeping up to date with legislative and professional developments and requirements.
 - d) His practice was sent two sets of documentation which clearly stated that pre-movement testing had to be carried out by LVIs (tab 10). Counsel for the respondent accepted that it was and is a DEFRA requirement that pre-movement testing should be carried out by LVIs.
 - e) Mr Parry is an experienced vet, who told the Committee that he fully understood the importance of accurate certification for the integrity of the profession, and was familiar with the 12 principles of certification in the 2006 Guide to Professional Conduct (Tab 9).
 - f) The certificate forms signed off by Mr Parry related to 8 visits on 4 dates to 6 farms by 2 non-LVI vets.
 - g) The forms were filled out in Mr Parry's name by his support staff, and not in the name of vets who carried out the tests, which appeared to the Committee to be an unusual course. Mr Parry gave evidence that the only entries on the TB 52 and 52A forms made by him were his signatures.
 - h) Given his experience, Mr Parry must have been aware of the personal nature and contents of the certification that he was signing on the forms, and that he knew that he was certifying that he had personally subjected the animals to the tests, and had personally clinically inspected them, on each relevant occasion.

- 44) In the result, the Committee accepts the submissions made by the College that Mr Parry's actions were not simply inappropriate, but were the result of conscious impropriety on his part in signing the certificates in these circumstances. The Committee does not believe Mr Parry's explanation for his actions, and rejects his assertion that he thought that, because this was private testing, it was acceptable to send a competent non-LVI vet to do the tests, and then for him to interpret the results and sign the certificates on behalf of the practice. The Committee has no doubt that at all material times Mr Parry knew that only LVIs could perform the pre-movement tests. In spite of that he knowingly sent two non-LVI vets to carry out the work. The Committee is satisfied so that it is sure that, when Mr Parry signed the TB52 forms, he knew that his certificates were false in the material respects argued for by the College and set out in the charges. In arriving at these conclusions, the Committee was careful to attach as much weight as it felt able to the evidence of Mr Parry's good character, but concluded that this was insufficient to enable credence to be given to his explanation for his actions.
- 45) In conclusion, therefore, the Committee finds that the College has proved to the requisite standard that Mr Parry is guilty of dishonest conduct in relation to each of the eight heads of charge set out in the notice of inquiry. The Committee also finds that Mr Parry is guilty of allowing non LVIs to carry out the tests, an allegation which essentially he admits.
- 46) Counsel for the respondent accepted that, if the Committee found dishonesty proved, this would amount to disgraceful conduct, and the Committee so finds. The Committee is also of the view that the charge of allowing non-LVIs to do the tests amounts to disgraceful conduct in the circumstances of this case.