

ROYAL COLLEGE OF VETERINARY SURGEONS

V

JOHN RICHARD OWEN-THOMAS

DECISION

- 1) Mr John Owen-Thomas appeared before the Committee on 14 March 2011 to answer the following charge:

“That being registered in the Register of Veterinary Surgeons, and whilst in practice at Teme Veterinary Practice, the Casemill, Temeside, Ludlow, Shropshire;

- (a) In respect of approximately 248 animals belonging to Mr Taylor of Elton Farm, Elton, Ludlow, on which animals you were due to undertake Intradermal Comparative Tuberculin Tests on 7 September 2009 and/or 10 September 2009, you :

- (i) failed to undertake the said tests on all 248 animals;

and/or

- (ii) failed to identify adequately some or all of the animals subjected to testing by you;

and/or

- (iii) failed to measure the skin folds of some or all of the animals subjected to testing by you;

and/or

- (b) On 10 September 2009 you signed as Official Veterinarian a Tuberculin Test Report Certificate of clinical inspection (TB52) with CPH number 17-242-0012-01 in respect of the said 248 animals belonging to Mr Taylor, in which you either:

- (i) dishonestly certified that you had subjected the said 248 animals to the Intradermal Comparative Tuberculin Test, when you knew that you had not so tested all the said 248 animals;

Or in the alternative

- (ii) certified that you had subjected the said 248 animals to the Intradermal Comparative Tuberculin Test when such certification was inaccurate in that you had not so tested all the said 248 animals.

and/or in respect of which certificate you either

- (iii) dishonestly entered or allowed to be entered false information, namely measurements of skin folds purportedly taken on 7 September 2009 from a number of the said 248 animals;

Or in the alternative

- (iv) entered or allowed to be entered inaccurate information, namely measurements of skin folds purportedly taken on 7 September 2009 from a number of the said 248 animals.

And in relation to the facts alleged, either individually or cumulatively, you have been guilty of disgraceful conduct in a professional respect.

- 2) At the outset of the hearing Mr Owen-Thomas admitted heads of charge (a) (i), (ii) and (iii) and (b) (i) and (iii). In the light of the admission to heads of charge (b) (i) and (iii), the Committee did not go onto consider the alternative heads of charge (b)(ii) and (iv) which were dismissed. Before hearing evidence and submissions on sanction the Committee considered whether the admitted heads of charge amounted to disgraceful conduct in a professional respect. Exercising its judgment, the Committee concluded that Mr Owen-Thomas's admitted misconduct whilst carrying out the TB testing, dishonestly certifying that the animals had been tested when he knew that he had not tested all the bovine animals on the farm and dishonestly entering false information on the VeBus computer system fell far short of the conduct to be expected of a member of the veterinary profession and amounted to disgraceful conduct in a professional respect.
- 3) The background to this case is that Mr Owen-Thomas qualified as a veterinary surgeon from the University of Cambridge in 1978 and is a partner at Teme Veterinary Practice, The Casemill, Temeside, Ludlow, Shropshire. The College's case against him arose out of Intradermal Comparative Tuberculin Tests ("TB testing") which he undertook in September 2009 on cattle at Elton Farm near Ludlow, the premises of Mr Robin Taylor. At the time Mr Owen-Thomas was engaged by Animal Health ("AH") as an Official Veterinarian ("OV").
- 4) In June 2009, the Shrewsbury abattoir reported that a cow from Elton Farm was suspected of having TB. The diagnosis was confirmed by laboratory results on 8 June 2009. Mr Taylor was informed by AH that it was necessary for all his remaining animals to be tested. The tests were carried out in June 2009 by Mr Owen-Thomas and a number of reactors were found. Therefore on 1 July 2009 AH informed Mr Owen-Thomas that further tests would need to be carried out on Mr Taylor's cattle. The instructions stated that the test to be undertaken was a short interval ("SI") test, which required all bovine animals other than calves under the age of 42 days to be tested. Mr Owen-Thomas sent a fax to Mr Taylor on 13 July 2009 stating that the first stage of the test would be carried out on 7 September 2009 on all cows and in-calf heifers. In the event, it appears that all cows and in-calf heifers were tested, but there was a number of animals (calves under six months old and a bull) which were not tested, in contravention of the instructions received from AH.
- 5) The procedure to be followed by an OV when carrying out TB testing is set out in the AH publication "The Tuberculin Testing of Cattle". In summary, the SI test is carried out in two stages. The first stage is preparatory, at which time the animal is injected in two sites in the neck, the first site with avian tuberculin and the second with bovine tuberculin. The second stage, 72 hours later, measures the animal's reaction to the injections. The procedure relating to the first stage is as follows: check the animal's ear tag number; enter it in a test record chart with a description of the animal's age, sex and breed; check the animal's skin in the neck region for blemishes; mark the two injection sites by clipping the hair; measure with callipers the thickness of each clipped site; record the thickness in the testing record; inject

the upper site with avian tuberculin and the lower site with bovine tuberculin. The procedure relating to the second stage is as follows: confirm the identity of the animal; measure with callipers the fold of skin at each injection site; record the measurement in the testing record; describe the type of reaction observed; refer to the initial testing record to properly interpret the measurements. Animals are classified as 'clear', 'reactor' or 'inconclusive reactor' by interpretation of the comparative measurements.

- 6) According to Mr Taylor's witness statement, the procedure relating to the first stage was incorrectly followed in the following respects: the ear tag numbers of the animals presented were not checked; if the animal was smooth-coated Mr Owen-Thomas did not clip the coat; Mr Owen-Thomas did not work from a list of animals; he did not make any notes while administering the two injections. In respect of the second stage, the procedure was incorrectly followed in that Mr Owen-Thomas would only measure the skin when he felt a lump in the neck and did not therefore measure every animal, although measurements were subsequently recorded for all 248 animals on the farm.
- 7) The test record chart is generated by "VeBus", an internet-based system which uses information from the cattle-tracing system managed by the British Cattle Movement Service. The OV is advised to take this list to the farm and use it to record the measurements taken. Later the results must be transferred to the AH form TB52 on the VeBus system. The form is printed out, signed by the veterinary surgeon to certify the accuracy of its contents and sent to AH.
- 8) On 14 September 2009, AH discovered by chance, during the course of a conversation between Mr Blake-Dyke (AH Veterinary Team Leader) and Mr Taylor, that not all bovine animals on Mr Taylor's farm had been tested. At that stage, the form TB52 had not yet been received by AH's Worcester office. When the form was received, AH was concerned to note that all bovine animals on the farm were recorded as having measurements assigned to them on both September dates. Mr Owen-Thomas had certified that he had subjected all the 248 cattle to the TB test and that he had clinically inspected them all. Mr Blake-Dyke made a further visit to Mr Taylor's farm on 24 September 2009 and inspected 28 calves and eight adult cows, results for which had been entered on form TB52. None of these animals had evidence of clip marks on the neck. In addition Mr Taylor showed Mr Blake-Dyke a bull which had not been tested and for which results were also recorded on the TB52 chart.
- 9) On 21 October 2009 Mr Owen-Thomas was interviewed by AH in Worcester, and admitted that he had not tested the calves listed on form TB52 and that he was responsible for the validity of the results. He explained the absence of clip marks on some of the cows by saying that it was not always possible or necessary to clip, especially in the summer. Mr Owen-Thomas was suspended from his OV duties on 28 October 2009 and a complaint was made by AH to the College on 20 November 2009.
- 10) In reaching its decision, the Committee has given detailed consideration to all of the information available in this case, the submissions of both Counsel and the advice of the Legal Assessor. It has been supplied with a large bundle of testimonials and has heard oral evidence from five witnesses who attested to Mr Owen-Thomas's character. The Committee has applied the principles set out in the Disciplinary Committee Procedure Guidance relating to suspension and removal of a member's name from the Register. It has considered the list of aggravating and mitigating factors set out in the Guidance.
- 11) On previous occasions the Committee has emphasised the importance of the integrity of the certification process. The validity of any certificate is an integral part of the system relating to disease control and the maintenance of public health. It is essential that all particulars concerning the animal are true and that all requirements have been complied with. If

members of the profession fail to observe the requirements, their conduct must be subjected to close scrutiny and will usually be taken as a serious failure to uphold the high standards of the profession. At Section G of the RCVS Guide to Professional Conduct, emphasis is given to the importance of certification, the importance of the signature and the guidance issued by AH. These provisions are well known to the profession and the Committee does not intend to refer to them in detail.

- 12) The Committee is satisfied that Mr Owen-Thomas's actions in certifying that he had examined all 248 animals on Mr Taylor's farm amounted to a serious departure from professional standards. It is an aggravating feature of this case that his actions undermined the procedures in place to prevent the spread of disease. As an OV he was acting on behalf of AH in a position of trust and responsibility, which he failed adequately to discharge particularly where there had been TB in the herd. Further he took the decision not to test the calves when he excluded them from the test. This is a decision he accepts that he was not entitled to make. He was responsible for the accurate submission of the information to AH. He acted dishonestly in certifying that he had tested all bovine animals and in supplying false information.
- 13) When questioned by Mr Grenville of AH on 21 October 2009, Mr Owen-Thomas admitted that he had not carried out the testing of the calves at Elton Farm and accepted that he was responsible for the validity of the result. At the outset of the hearing before this Committee he admitted that he acted dishonestly. However, the Committee considers that Mr Owen-Thomas' prompt admissions demonstrate insight into the unacceptable nature of his actions. The Committee has noted in Mr Owen-Thomas' letter of 21 December 2009 to the College that the OV staff in the practice had subsequently been appraised of the issues to ensure that testing should be undertaken in line with AH requirements. It has also taken into account that the heads of charge relate to a single visit to Elton Farm to carry out TB testing.
- 14) The Committee has paid particular regard to the testimonials from veterinary surgeons and clients who attest to Mr Owen-Thomas' competence as a veterinary surgeon. Mr Owen-Thomas is an experienced veterinary surgeon who has given long service to the veterinary profession and farming community. The Committee has been impressed by farming clients who have given evidence about his skill as a veterinary surgeon and his dedication to the work. The Committee has been particularly impressed by his role in herd health planning. The evidence from his former bank manager has also assisted the Committee in reaching the conclusion that he acted out of character. The Committee is satisfied that any potential financial gain to Mr Owen-Thomas was incidental to his actions and not a motivating factor. The Committee has also noted that he has put in place with his fellow partners a plan for the employment of another veterinary surgeon paid for by him in the event that he is suspended as opposed to his name being removed from the register.
- 15) The Committee considered whether this is a case where judgment should be postponed for a period of up to two years. It has concluded that, in the absence of issues relating to health or clinical competence, it is not an appropriate case for postponement. Any case involving false certification is at the high end of the spectrum of the cases that come before the Committee. It does not consider this case is appropriate for a reprimand and/or warning. It accepts Mr Edis's submission that the gravity of the conduct admitted inevitably leads to the Committee's consideration of his suspension or the removal of his name from the Register.
- 16) The Committee continues to emphasise the importance of maintaining the integrity of veterinary certification. False certification will inevitably lead to consideration of the removal of a member's name from the Register. However, the Committee has concluded that in this case the removal of Mr Owen-Thomas's name from the Register is neither necessary in the public interest nor necessary to protect the welfare of animals nor is proportionate. In reaching this

decision it is highly relevant that the false certification was neither persistent nor concealed and that there was significant professional and personal mitigation put forward on behalf of Mr Owen-Thomas. The Committee has paid particular regard to the fact that Mr Owen-Thomas is an experienced veterinary surgeon who is highly regarded in his local area. He has shown insight into the actions he took in September 2009 and taken active steps to address the issue. It does not believe that there is any likelihood that he will repeat his previous conduct. The Committee has concluded that an appropriate and proportionate response in this case is to suspend Mr Owen-Thomas's name from the Register for a period of ten months after which he will be able to return to practice.

DISCIPLINARY COMMITTEE

15 March 2011